

MISSISSIPPI.

William J. Brigham, at Tunica, Miss.
Felicie L. Delmas, at Scranton, Miss.
Jennie D. Ligon, at Gloster, Miss.
L. Hilton Tubb, at Amory, Miss.

NEBRASKA.

Frank C. Evans, at Wisner, Nebr.
Albert C. McFarland, at Lynch, Nebr.

NEW YORK.

Thomas B. Lowerre, at Flushing, N. Y.

NORTH CAROLINA.

Charles M. Hoover, at Thomasville, N. C.
Jasper Z. Waller, at Burlington, N. C.

NORTH DAKOTA.

Thomas B. Hurley, at Bowbells, N. Dak.
Albert E. Hurst, at Rolette, N. Dak.
Elstow McCoane, at Ambrose, N. Dak.
John K. Soule, at Cogswell, N. Dak.

OHIO.

James H. Muir, at Pemberville, Ohio.
John K. Niesz, at Maumee, Ohio.

OKLAHOMA.

George W. Mellish, at Comanche, Okla.

PENNSYLVANIA.

Clarence L. Dindinger, at Zelenople, Pa.
John W. Zerbe, at Shamokin, Pa.

SOUTH DAKOTA.

Arthur B. Chubbuck, at Ipswich, S. Dak.
Orator H. La Craft, at Clark, S. Dak.

TEXAS.

Emily H. Ellis, at Toyah, Tex.
Hugh E. Exum, at Shamrock, Tex.
William B. Kirby, at Wellington, Tex.
John C. McBride, at Woodville, Tex.
H. W. Mullis, at McLean, Tex.
Lafayette Sharp, at San Augustine, Tex.
Jasper C. Williamson, at Kirbyville, Tex.

UTAH.

Clifford I. Goff, at West Jordan, Utah.

VERMONT.

Alma H. Ayer, at Richford, Vt.

WISCONSIN.

William W. Clarke, at Milton, Wis.
Thomas Gander, at Soldiers Grove, Wis.
Martin J. Gosa, at Palmyra, Wis.
Fred P. Harmon, at Belleville, Wis.

HOUSE OF REPRESENTATIVES.

MONDAY, March 1, 1909.

[Continuation of legislative day of Tuesday, February 23, 1909.]

The recess having expired, the House was called to order at 11 o'clock a. m. by the Speaker.

SPEECH OF HON. GEORGE W. COOK.

Mr. MANN. Mr. Speaker, I rise to present a privileged report.

The SPEAKER. The gentleman from Illinois, from the select committee appointed under House resolution 604, presents a privileged report (H. Rept. No. 2289), which the Clerk will read:

The Clerk read as follows:

The select committee appointed to consider the remarks of Hon. GEORGE W. COOK, delivered in the House on February 25 last and printed in the CONGRESSIONAL RECORD, on pages 3203 and 3204, and alleged to be in violation of the privileges of debate, beg leave to report that we have carefully and critically examined the speech of Mr. Cook referred to, and are of the opinion, and so report, that said speech does not, when treated as a whole, contain language in violation of the privileges of debate, and does not call for further action by the House; and your committee, therefore, respectfully requests to be discharged.

JAMES R. MANN.
JAMES B. PERKINS.
DAVID J. FOSTER.
HENRY D. CLAYTON.
WILLIAM M. HOWARD.

Mr. MANN. I move that the committee be discharged.

The SPEAKER. Without objection, it is so ordered.
There was no objection.

SENATE BILLS ON THE PRIVATE CALENDAR.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the order which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That during the remainder of this calendar day it shall be in order in the House as in Committee of the Whole House to consider Senate bills on the Private Calendar to the consideration of which objection is not made by two Members.

Mr. FITZGERALD. Why two? It used to be three.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS CALUMET RIVER, INDIANA.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 27926) to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River, in the State of Indiana.

The Clerk read as follows:

Be it enacted, etc., That the Chicago, Lake Shore and Eastern Railway Company, a corporation organized under the laws of the States of Indiana and Illinois, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge, and approaches thereto, across the Calumet River in the northwest quarter of section 4, township 36 north, range 8 west of the second principal meridian, in Lake County, in the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 3, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On line 2, page 2, strike out "third" and insert "twenty-third."

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time and passed.

UNITED STATES COURTS, SPRINGFIELD, MASS.

Mr. STERLING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6074) to provide for holding terms of the United States circuit and district courts at Springfield, Mass.

The bill was read, as follows:

Be it enacted, etc., That hereafter, and until otherwise provided by law, two terms of the district and circuit courts of the United States for the district of Massachusetts shall be held in each and every year in the city of Springfield, Mass., beginning, respectively, on the third Tuesday of May and the second Tuesday of November, to continue until the business is disposed of.

SEC. 2. That the marshal and clerk of said district shall each, respectively, appoint at least one deputy, to reside in said city of Springfield, and he shall also maintain an office at that place.

With the following amendments:

In line 4 strike out the word "terms" and insert the word "sessions."

Line 7, strike out the word "third" and insert the word "second."

Line 8, strike out the words "November, to continue until the business is disposed of" and insert the word "December."

Amend the title by striking out the word "terms" and inserting the word "sessions."

Add section 3:
"SEC. 3. That suitable rooms and accommodations shall be furnished for holding said courts, free of expense to the Government of the United States, until such time as a federal building shall be prepared for that purpose in said Springfield."

The SPEAKER. Is there objection?

There was no objection.

Mr. TIRRELL. Mr. Speaker—

Mr. STERLING. The gentleman from Massachusetts [Mr. TIRRELL] desires to say a word in reference to this bill.

The SPEAKER. Does the gentleman yield to the gentleman from Massachusetts?

Mr. STERLING. I do.

Mr. TIRRELL. Mr. Speaker, it seems somewhat ungracious to oppose this bill establishing terms of the circuit and district courts in Springfield, Mass. I do not wish to raise any captious opposition. I deem it my duty, however, to present some of the facts as they have been gleaned and presented to us by the judges of the circuit and districts courts of Massachusetts.

These courts were established in Massachusetts, to be held in the city of Boston in 1789, and have always held their sessions there.

For more than forty years after the establishment of those courts there were no railroads in Massachusetts. It took three days by stage coach to go from Boston to Springfield, where it is now proposed to establish terms of these courts.

The distance between Boston and Springfield is 98 miles. There are now express trains running hourly between those cities, so that you can pass from one to the other in less than three hours.

I have been an active practitioner of the bar for many years in eastern Massachusetts, and so far as I know there has never been any call for the establishment of terms of these courts in the western part of Massachusetts.

Massachusetts is a small State territorially. Many districts represented by Members here are larger geographically than the whole State of Massachusetts. It is only about 150 miles long, and over the greater portion of its length only about 50 miles wide.

There are three main lines of railroad that run through Massachusetts—the Fitchburg line through the northern part of the State, another line through the center, and the Boston and Albany system, which runs through the southern section of the State and Springfield. The three lines of communication have rendered it unnecessary heretofore, in the opinion of the people resident in that section and the lawyers in practice, to have any terms of this court in the western part of our Commonwealth.

The whole section covered by these two courts, if they are established by this bill, would be about one-seventh of this small State, and the amount of business possible to be considered much less than one-seventh. The judges of the courts in Massachusetts are high-minded, conscientious men, ready to perform their duty wherever and whenever called upon; they have not interfered in this matter, but simply have answered questions propounded to them to elicit the facts. They have furnished the facts, and I desire to call attention to them.

Take the circuit court. About a year ago an examination of the docket was made. The following condition was disclosed: There were 450 cases pending in equity, but only 37 of them were where one or the other of the parties resided in the territory covered by this bill. Two-thirds of these cases were conducted by lawyers who did not come from that section of the State. Therefore in the equity cases, gentlemen, there were only 2 per cent of all the cases pending that came from the territory that would be subserved if this bill was passed.

Now take up the cases on the law side of the court. There were pending 432 cases a year ago. Only 9 of these had one or both of the parties resident in the territory covered by this bill. Out of these 9 cases there is only 1 case where the attorneys were from Hampden County, where Springfield is located. In 5 cases the attorneys on both sides were from the city of Boston, leaving 1 case out of the 432 upon the law side of the circuit court of the district of Massachusetts where the parties were interested from that section of the State.

In the district court the docket showed in January of this year that there were 83 civil cases; 61 of these were in admiralty. There is not a single admiralty case that comes from the western section of the State. That leaves only 22 civil cases. In 20 of these the parties and counsel reside east of the city of Springfield, leaving only 2 cases remaining which come from the western part of Massachusetts.

Therefore you have this condition of things, that although there is apparently a large population in the western part of Massachusetts, there is very little business there for the United States courts. The business of the United States courts is east of the city of Springfield. There is no admiralty business in the western part of the State, and on the law side of the court only 1 case out of 422 pending where the parties interested reside in Hampden County, in which the city of Springfield is located.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. TIRRELL. Certainly.

Mr. STEPHENS of Texas. Why are not the suits brought where the parties reside and the cause of action arises?

Mr. TIRRELL. The causes of action did arise there—

Mr. STEPHENS of Texas. How did they get jurisdiction in a part of the State where the cause of action did not arise or where the parties were not residents?

Mr. TIRRELL. The district now covers the entire State; the terms of court are held in Boston and all cases are tried there, but this bill proposes to establish two terms of the circuit and district court in the western section. I am trying to show that there is not sufficient business in the western part to justify the establishment of these terms of court in Springfield.

Mr. STEPHENS of Texas. Has the gentleman any statement by the judges of the amount of business?

Mr. TIRRELL. These are statements by the judges, who are opposed to the establishment of terms at Springfield, at present, not because they are unwilling to go that short distance to transact business, but because there is no call for it, in their judgment, commensurate with the expense and inconvenience which would be incurred.

Mr. STEPHENS of Texas. The gentleman thinks that the attorneys and litigants would not be inconvenienced, but is the

gentleman aware that the Government has to pay the witnesses for traveling these distances?

Mr. TIRRELL. That does not apply in this case, which is based on the condition that there is insufficient business for those terms which would increase and not decrease expenses.

Mr. GRONNA. Mr. Speaker, this is not establishing a new district?

Mr. TIRRELL. No; but two terms of court for both the circuit and district courts.

Mr. GRONNA. I think there should be no objection to that.

Mr. TIRRELL. I am endeavoring to show that the amount of business is inadequate to justify this action.

Mr. GRONNA. As I understand it, this simply establishes the court in that particular city, in order to make it more convenient.

Mr. TIRRELL. Yes; that is it; that is the idea. Now, I want to show further what the state of things is in the district court. An examination was made on January 20, and at that time there were 1,870 bankruptcy cases pending. Since 1905 down to the present time there have been only 9 cases from the western section of Massachusetts covered by this bill, where there has been a hearing before the courts. That is, there is an average of less than four cases a year which have come up for hearing before the court from that part of the State. Therefore it seems to be entirely disproportionate to the expense that will be incurred and to the inconvenience to which the judges will be subjected to have a session of the court held there, when in bankruptcy cases, about the only character of case that could come up in that section of Massachusetts, there is an average of less than four a year.

Mr. STEPHENS of Texas. Is it not true that the judges could get paid for traveling expenses?

Mr. TIRRELL. Oh, that has nothing to do with it. They do not care anything about that.

Mr. STEPHENS of Texas. I think they ought to submit to some inconvenience in order to carry the courts to the people.

Mr. TIRRELL. It is not in the inconvenience of the judges alone. It is the expense of maintaining offices, clerks, and marshals, and so forth, and the loss of time to which the court would be subjected in going and coming, in opening courts, perhaps for a day or two, and then adjourning them without sufficient business to occupy the time of the court, which would be an inconvenience, take it as a whole, to the public business. Therefore, Mr. Speaker, solely for the reason that it has not been shown that there is any necessity for the establishment of these terms of court, that there is not sufficient business to justify it, that it would be an inconvenience and expense and a loss of time—in other words, because a proper case has not been made out, and because there has been no approval of this legislation, so far as I can learn, by the law department of the Government—I claim that this bill ought not to pass.

It is not a sufficient answer to the facts which I have presented to say that there is a large population in the western part of Massachusetts, unless with that you can couple and can prove that there is a sufficient business connected with that population to justify it also. While there is a population of three or four hundred thousand in the western part of Massachusetts, there is only a portion, in my judgment, of this population that would ever utilize these courts if they were established in the city of Springfield, because with these other lines of railroad paralleling the Boston and Albany, which runs through the city of Springfield, the people from other sections of this proposed district could go direct to Boston, because it would be more convenient for them to go there, although a little farther. So that in reality the statistics which I have given should really be cut down even more because very much of the business of this territory, as I have stated, would go to Boston, as it goes to-day. Boston being more convenient of access, they would go there. The question is right here: Are we justified with these facts in establishing terms of court in Springfield when there has not been during all the years of the establishment of this court sufficient business to justify any man who will look upon the matter with any economy in his system in advocating it? When western Massachusetts can show that there is a business which will justify the establishment of these terms of court even approximately, with the probability of an increase of business, then as a citizen of Massachusetts, representing its interest in part, I would gladly join in advocating such a measure, but I can not conscientiously on the proposition which is here submitted, where so little business is shown and where the judges of the court are unanimous in their opposition, lend my influence to pass this legislation. The only argument that can be advanced, it seems to me, in favor of this proposition is that if you have these terms of court established this business will increase.

That is no argument whatever, because the Congress of the United States is not establishing courts for the purpose of increasing litigation, of getting people to fight among themselves; but it is endeavoring to pacify and prevent litigation as far as possible. Yet the argument for the establishment of these terms of court is that while there is no business there now which would justify it, if they are established then business will start up and it will bring business into these courts. I can not agree to that proposition.

With these facts, Mr. Speaker, I submit this matter to the consideration of other Members of this body.

Mr. GILLET. Mr. Speaker, I want to acknowledge the courtesy of my colleague [Mr. TIRRELL], a member of the committee, in connection with this bill. I appreciate that it is quite natural and proper that he, practicing in Boston, where the courts are now held, and practicing before the judges who object to this bill, should bring before the House the views of the judges on the question.

Springfield, where this bill purposes to have sessions of the court, is 100 miles from Boston and is a city of about 80,000 people. Still farther west, running to the New York border, is an entire congressional district, with a population of over 200,000; and north and east of Springfield, connected by trolley and largely tributary to it, is a further population of over 100,000, so there are about 400,000 people to whom Springfield is much more accessible than Boston and who would be inconvenienced by having sessions of the court there, and the Government would make a large saving in the expenses of witnesses and jurors.

The question just when a region is populous enough and has business enough to justify the establishment of a court can not be determined by any recognized standards, and is largely a matter of judgment. The Judiciary Committee has decided that Springfield presents such a case. The business being done in the United States court from the western part of the State is not a fair criterion of what would be done if there was a court there, because many cases which would be tried are doubtless abandoned because of the expense of the Boston trip, and most of the cases which can be brought in either the state or the United States court are now brought exclusively in the state court, because the counsel in the cases, by taking them to the United States court, would have to go to Boston, and that means generally—unless the case is a very lucrative one—that they would transfer the case to a Boston lawyer rather than leave their office and take the time to go there themselves; and therefore it is to the selfish interest of western Massachusetts lawyers to bring all their cases in the state court.

A comparison with the places where courts are held in other States will show, I think, conclusively that it would be very unfair to defeat this bill. Massachusetts has about the same population as all the other New England States combined, and excepting Maine it does not average much less in size.

Maine, with a population a third as large as Massachusetts, has terms of the United States court in three different places. New Hampshire, with a population an eighth of that of Massachusetts, has terms of court in two places. Rhode Island, with a population an eighth, has court in two places. Connecticut, with a population a third of Massachusetts, has court in two places. Vermont, with a population an eighth of Massachusetts, has court in four different places, and only the Congress before last a bill was passed giving to Vermont, which then had court in three places, the privilege of having terms in an additional city.

The population of western Massachusetts is larger than the population of any of these States except Maine and Connecticut, and all these New England States, despite their inferiority in population, have been granted more ample court privileges than Massachusetts. So, according to those precedents, western Massachusetts alone ought to have court in two places.

I think we have been very modest in our request, and if this bill passes we shall be able to determine by experience what the natural business of our section of the State is, and if it proves to be as large as members of the bar expect, we shall in the future feel justified in asking for still further accommodations.

This bill was prepared so as to meet as far as possible the objections of the judges, and to put to the test the question whether it would not be for the advantage of the United States Government and to the 400,000 people in western Massachusetts to have sessions of the United States courts in Springfield.

The SPEAKER. The question is on the amendments.

The question was taken, and the amendments were agreed to. The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended.

COMMITTEE ON WAYS AND MEANS.

Mr. PAYNE. Mr. Speaker, I offer the following resolution and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 605.

Resolved, That those members of the Committee on Ways and Means who are Members-elect of the Sixty-first Congress, or a majority of them, are authorized, until the meeting of the first session of the Sixty-first Congress, to gather, through government agents or otherwise, such information as to them may seem fit for the completion of the bill for the revision of the tariff. And they are authorized to have such printing and binding done as they shall require, to employ an additional stenographer, and to incur such other expenses as may be deemed necessary by them; and all the expenses thereof shall be paid out of the contingent fund of the House on the usual vouchers approved by the present chairman of said committee.

The SPEAKER. Is there objection?

Mr. BARTLETT of Georgia. Mr. Speaker, I want to ask the gentleman in reference to this resolution. I do not desire to object to it. Does the gentleman propose to have additional clerical assistance to what was provided for by the emergency bill?

Mr. PAYNE. It is only to continue the present force until the special session is called on the 15th of March.

Mr. BARTLETT of Georgia. I understand it; but what I desire to inquire about is, here is a provision in the resolution to pay out of the contingent fund of the House for certain expenses. I have no objection to that, but—

Mr. PAYNE. I want to say to the gentleman that is all provided for up to this date and up to the 4th of March. Now we wish to continue the force until the 15th, and that is all there is in the resolution. It is only to continue the present order of things which the House ordered at the last session.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

ALASKA SHORT LINE RAILROAD IN ALASKA.

The SPEAKER. The Chair lays before the House from the Speaker's table the following bill with a Senate amendment, which the Clerk will report.

The Clerk read as follows:

H. R. 23717. An act to extend the time for construction and beginning the construction of the Alaska Short Line Railroad in Alaska.

The Senate amendment was read.

Mr. HUMPHREY of Washington. Mr. Speaker, I move that the House agree to the Senate amendment.

The Senate amendment was agreed to.

TREATY BETWEEN UNITED STATES AND RUSSIA.

Mr. CAPRON. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 235, reported from the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent for the present consideration of the joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 235) concerning and relating to the treaty between the United States and Russia.

The SPEAKER. The Chair understands the gentleman desires the resolution to be read as amended and reported from the Committee on Foreign Affairs. Without objection, it will be read as amended.

There was no objection.

The Clerk read as follows:

Whereas it is alleged that the Government of Russia has continued up to the present time to refuse to visé, recognize, or honor passports presented to its authorities issued by the American Government to American citizens on the ground that the holders thereof were of the Jewish faith: Therefore be it

Resolved, etc., That the President of the United States be, and is hereby, requested to renew negotiations with the Government of Russia to secure, by treaty or otherwise, uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in such country without regard to race, creed, or religious faith, including a provision that the honoring or viséing of passports when duly issued and held by citizens of the United States shall not be withheld because or on account of the race, creed, or religious faith of their holders.

Mr. CAPRON. Mr. Speaker, I do not desire to delay the House on this matter, but I yield two minutes to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Speaker, this resolution deeply concerns the honor and dignity of American citizenship and the respect due the American passport. The subject involved has been several times, in various forms, brought to the attention of Congress. It has been pressed on the attention of the State Department. It has been presented to the President of the

United States. Yet the evil complained of has not been remedied. Russia still violates her treaty obligations, and has persistently refused to honor the American passport held by our citizens of Jewish faith.

It is a deplorable fact that when a citizen of that faith presents for visé our passport to the Russian authorities it is discredited and dishonored. In the eyes of the Russian monarch it is a valueless document. It is to the Russian official a mere worthless paper. Though this condition has existed ever since our first treaty with Russia, our protests have gone unheeded, and America has suffered the humiliation which Russia has seen fit to place upon us when she refuses recognition to the passport of our citizen who bears it.

Let it be understood clearly that this bigoted restriction placed upon the entry into Russia of Israelites applies equally to native and naturalized citizens of this country. The refusal to recognize our passport when borne by a Jewish-American citizen is based on the fact that he is a Jew. That fact alone, however reputable he may be, makes him odious in the eyes of the Russian, and forthwith the passport bearing our seal of state counts for nothing. Such a situation, sir, is, I submit, intolerable. It calls not for mere finespun, polite diplomatic phrases, but for plain, outspoken diplomacy, which shall leave no doubt on Russia's mind that we shall permit her no longer insolently to disregard our passports. She must be given to understand that America will not suffer her citizens to be discriminated against by any foreign government merely on the ground of creed or religious faith.

While, in common with many of my colleagues here, I would have welcomed a more drastic form of resolution, yet I feel that this expression of the Congress of the country, speaking for over 85,000,000 people, will be productive of decided action by the incoming administration and convince Russia that the American people, true to the principles of our liberal and enlightened institutions, will not much longer suffer Russia to arrogantly dishonor the highest certificate that issues to our citizens to accredit them abroad and bestow on them when traveling in foreign lands the fullest protection of the American flag. [Applause.]

In 1902 I introduced a resolution of inquiry which brought this subject clearly before the American Congress. I took occasion to point out numerous instances of Russia's refusal to honor our passports, and pointed out her evasion of the obligation she owed our citizens under the treaty of 1832. I called attention to her outrageous treatment of the Jews within her borders, her barbaric treatment of them, her proscriptive policy, and her intolerant conduct toward these people within her dominion. With that phase of the matter we were, and we are, unable to deal.

We can not, of course, interfere with Russia in her own domestic affairs. But in dealing with the question this resolution directly affects we simply assert the integrity of our citizenship and the principle that Russia can not discriminate between our citizens, on religious grounds, when our passports are presented at her gate.

To assert less, Mr. Speaker, is to deny to our citizens, whether native or naturalized, that equality which is the boast and one of the very bulwarks of our American institutions.

Well, Mr. Speaker, the resolution of 1902 passed the House, and yet the State Department remained inactive and did absolutely nothing in the matter up to 1904.

In 1904 I secured the passage of the resolution which led to the correspondence between our Government and Russia, to which I shall presently allude. That resolution provided:

That the President be requested to renew negotiations with the governments of countries where discrimination is made between American citizens on the ground of religious faith or belief to secure by treaty or otherwise uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in those countries without regard to race, creed, or religious faith.

Agreeably to that resolution, Secretary Hay, in July, 1904, communicated with Ambassador McCormick at St. Petersburg and took occasion in his letter to say:

I have therefore to instruct you to inform Count Lamsdorff that the text of the foregoing resolution has been sent to you for your information and for your guidance in interpreting this expression of the feeling of the people of this country, through their direct representatives, as to the treatment of the citizens in question.

You will make known to his excellency the views of this Government as to the expediency of putting an end to such discriminations between different classes of American citizens on account of their religious faith when seeking to avail themselves of the common privilege of civilized peoples to visit other friendly countries for business or travel.

In carrying out his instructions, our American ambassador in August, 1904, laid before Count Lamsdorff, the imperial minister of foreign affairs in Russia, the text of the resolution. Before that time a copy of that resolution had been conveyed to Count

Cassini, the Russian ambassador here at that time. I want to call especial attention to some of the sentences found in that excellent and well-prepared letter of our ambassador to the Russian Government. He says:

This resolution voices not only the feelings of the people, but also a principle which lies at the foundation of our Government. It is for this reason that the question has been, is, and always will be a live question with us and liable to become acute and be brought forward at some time in such a way as to seriously disturb the friendly relations which have always existed between Russia and the United States.

Aside from the belief that the treatment accorded by Russia to many of our most reputable and honored citizens is needlessly repressive, public opinion, as your excellency knows, plays a large part in the foreign relations as well as domestic affairs with us; and when underneath this public opinion there lies an important principle, as is the case in the United States, it can not be left out of account by those who have maintained the close relations which it is desired by my Government to see maintained with this great Empire and her august ruler.

For these strong and manly—nay, more—for these courageous words of our ambassador, those affected by the resolution owe much. It would have been well if these noble sentiments had been followed by an earnest and active negotiation and an insistence that Russia shall cease her proscription of our citizens and her "repressive" treatment of those who came to her with our passports.

But, sir, our administration, just as before, relaxed its efforts. Our State Department once more gave evidence of its indifference by failing to follow up the subject. It once again, so far as we know, lapsed into silence. Russia, cunning, crafty, quick in diplomacy to perceive, took advantage of the situation. She continued her policy. She discarded our passports; she let go unheeded the veiled threats of Ambassador McCormick.

That it may be seen that our American Department of State left itself open to the criticism that its acts of recent date gave Russia encouragement to continue her course of insolently dishonoring our passports, let me call attention to the circular letter issued by our American Secretary of State on May 28, 1907. It was an un-American document. It was unwarranted by the Constitution and the laws and opposed to the very spirit of our Republic. It first contained the usual caution to former Russian subjects contemplating returning to their native land, through citizens of our country; then tells them they can not, if they return to their country, expect immunity from the operation of the Russian law; and then contained this unusual, extraordinary, remarkable clause:

This department will not issue passports to former Russian subjects, or to Jews who intend going to Russian territory, unless it has assurance that the Russian Government will consent to their admission.

This circular was signed by Elihu Root and kept alive by its issuance to hundreds of American citizens for eight long months. Its offensive words were finally withdrawn by the Secretary of State and a new circular issued eliminating the offensive and objectionable words to which I have called special attention. Neither the circular nor the letter that accompanied it were withdrawn until I introduced a resolution on the subject in the early part of this Congress, and vigorously protested against the issuance of the circular.

With such a document emanating from the American Department of State, will anyone wonder that Russia felt we lacked sincerity in what Ambassador McCormick wrote, and that after all we were not so insistent in having the restrictions removed as one might suppose we were from the diplomatic correspondence to which I have called your attention.

It is time that this Government spoke out on this subject to Russia emphatically and distinctly. The insult tendered in her refusal to honor American passports is not an insult to the citizen that bears that passport alone; it is an affront to the American Government.

Happily and fortunately in this land all our citizens are equal before the law. Under our enlightened policy we accord equality to all who owe allegiance to the American flag. This country is too great to permit any longer any government to refuse to pay due respect to our passports, for our passport should be the safeguard of every American traveling, in times of peace, in every country and in every clime. [Applause.]

Upon this subject I desire to quote from a leading editorial in the Philadelphia Inquirer of January 21, 1909, these words:

The question which is so clamorously calling for settlement is by no means confined to those whom it most immediately affects. It is not whether persons of the Hebrew race shall be allowed, when provided with an American passport, freely to traverse Russian territory; it is not whether such persons shall enjoy the equal protection of the Russian law. It goes far beyond that. The question is whether the passport issued by the Department of State shall be recognized and accepted, no matter in whose hands it may be found, as an authoritative certificate of American citizenship, or whether any foreign official who chooses may refuse to accord such passport the credit which is due to it and may take upon himself to repudiate and ignore the rights and immunities to which as the appanages of American citizenship it certifies in its possessor, without eliciting from the Government of the United States any more effective action than a mildly academic remonstrance.

Now, Mr. Speaker, I trust that the resolution will pass without a dissenting vote. I indulge in the hope that the incoming administration will take up the subject in real earnest and push it vigorously and earnestly to secure results. But the subject will have the strongest indorsement when it comes backed by the action and approval of the American Congress. [Applause.]

The passage of this resolution by both the House and Senate will wield a strong moral effect, for it will not alone strengthen and encourage the Executive, but it will speak out loudly to Russia that public opinion on this question is aroused and that the American Government demands the cessation of her insulting treatment.

I ask the adoption of the report of the committee and the passage of the resolution.

APPENDIX.

Mr. Hay to Mr. McCormick.

No. 127.]

DEPARTMENT OF STATE,
Washington, July 1, 1904.

SIR: On the 21st of April last the House of Representatives of the United States adopted a resolution in the following words:

"Resolved, That the President be requested to renew negotiations with the governments of countries where discrimination is made between American citizens on the ground of religious faith or belief to secure by treaty or otherwise uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in those countries, without regard to race, creed, or religious faith."

The subject to which this resolution relates has heretofore been the occasion of friendly but sincerely earnest representations to the Russian Government on the part of that of the United States. The instructions on file in your office and the correspondence had by your predecessors with the Imperial foreign office leave no doubt as to the feeling of the Government of the United States in regard to what it has constantly believed to be a needlessly repressive treatment of many of the most reputable and honored citizens of the United States. Similar views have been expressed by my predecessors, as well as by myself, in conferences with the representatives of Russia at this capital. That these friendly representations have not hitherto produced the results so befitting the close intimacy of the relations of the two countries for more than a century and so much in harmony with their traditional amity and mutual regard is not, in the President's judgment, ground for relaxing endeavors to bring about a better understanding, if only on the score of expediency and reciprocal convenience.

I have therefore to instruct you to inform Count Lamsdorff that the text of the foregoing resolution has been sent to you for your information and for your guidance in interpreting this expression of the feeling of the people of this country, through their direct representatives, as to the treatment of the citizens in question. You will make known to his excellency the views of this Government as to the expediency of putting an end to such discriminations between different classes of American citizens on account of their religious faith when seeking to avail themselves of the common privilege of civilized peoples to visit other friendly countries for business or travel.

That such discriminatory treatment is naturally a matter of much concern to this Government is a proposition which his excellency will readily comprehend without dissent. In no other country in the world is a class discrimination applied to our visiting citizens. That the benefits accruing to Russia are sufficient to counterbalance the inconveniences involved is open to question from the practical standpoint. In the view of the President it is not easy to discern the compensating advantage to the Russian Government in the exclusion of a class of tourists and men of business whose character and position in life are such as to afford in most cases a guaranty against any abuse of the hospitality of Russia and whose intelligence and sterling moral qualities fit them to be typical representatives of our people and entitle them to win for themselves abroad no less degree of esteem than they enjoy in their own land.

I have, etc.,

JOHN HAY.

Mr. McCormick to Count Lamsdorff.

AMERICAN EMBASSY,
St. Petersburg, August 22, 1904.

YOUR EXCELLENCY: Under instructions from my Government, which I found awaiting me on my return from Carlsbad, I have the honor to bring before you for consideration at this time a subject which has been the occasion from time to time of friendly but sincerely earnest representations to the Russian Government on the part of that of the United States.

The feeling of the people of the United States, which is deep and widespread with reference to this subject, found expression in a resolution adopted on the 21st of April last by the House of Representatives. I assume that your excellency's attention was called to this resolution at the time of its adoption by his excellency Count Cassini, His Imperial Majesty's ambassador in Washington, and that a copy of the resolution was transmitted to you for your information.

As your excellency doubtless noted at the time, this resolution is conceived in a temperate spirit and expressed in moderate terms, such as to recommend its reception in a similar spirit, as well as the consideration of the subject which it brings forward.

The text of this resolution was sent to me for my information in interpreting this expression of the feeling of the American people as to the treatment of the citizens in question, and I here beg to insert the resolution as placing that expression on record, although, as above indicated, a copy of the resolution has already been transmitted to you by Count Cassini:

[Fifty-eighth Congress, second session.]

"CONGRESS OF THE UNITED STATES,

"In the House of Representatives, April 21, 1904.

"Resolved, That the President be requested to renew negotiations with the governments of countries where discrimination is made between American citizens on the ground of religious faith or belief to secure by treaty or otherwise uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United

States, in order that all American citizens shall have equal freedom of travel and sojourn in those countries, without regard to race, creed, or religious faith."

This resolution voices not only the feelings of the people, but also a principle which lies at the foundation of our Government. It is for this reason that the question has been, is, and always will be a live question with us and liable to become acute and be brought forward at some time in such a way as to seriously disturb the friendly relations which have always existed between Russia and the United States.

Aside from the belief that the treatment accorded by Russia to many of our most reputable and honored citizens is needlessly repressive, public opinion, as your excellency knows, plays a large part in the foreign relations, as well as domestic affairs, with us, and when underneath this public opinion there lies an important principle, as is the case in the United States, it can not be left out of account by those who have maintained the close relations which it is desired by my Government to see maintained with this great Empire and her august ruler.

"That friendly representations," as is set forth in my instructions, "have not hitherto produced results befitting the close intimacy of the relations of the two countries for more than a century, and so much in harmony with their traditional amity and mutual regard, is not, in the President's judgment, ground for relaxing endeavors to bring about a better understanding, if only on the score of its expediency and reciprocal convenience."

Moreover, in no other country in the world is class discrimination applied to our visiting citizens, nor can it be seen, from the practical standpoint, that the benefits accruing to Russia are sufficient to counterbalance the inconvenience involved. In the view of the President, "it is not easy to discern the compensating advantage to the Russian Government in the exclusion of a class of tourists and men of business whose character and position in life are such as to offer in most cases a guaranty against any abuse of the hospitality of Russia, and whose intelligence and sterling moral qualities fit them to be typical representatives of our people and to win for themselves abroad a no less degree of esteem than they enjoy in their own land."

It seems to me that there are higher grounds to which to appeal, and to which it is opportune to appeal at this time, than those of expediency and reciprocal convenience, evidences of the influence of which have manifested themselves in steps already taken toward the alleviation of the condition of the representatives of the race referred to within the Empire.

At this time, too, when the world is extending its congratulations to His Majesty on an event which has brought happiness to himself and gratification to his friends; when he is extending the imperial clemency to some justly under the ban of the law, it would seem fitting to take under consideration this larger question, a solution of which would not only tend to draw closer the relations between this great Empire and the United States, but also to arouse a responsive feeling of good will throughout the world.

The railway and the telegraph are breaking down the barriers of distance which have until now kept apart the peoples of the various nations of the earth; Russia has made a notable contribution to this object in the great system of railways constructed within the Empire, which are operated in close connection and harmony with those of the outside world. To throw this great railway system open more fully to those who would avail themselves of it for legitimate purposes is but to dedicate it to a use which would be of the greatest good to the Empire and the world at large.

Events have proven that no artificial barrier can keep out those who come with hostile intent or who, from without, seek to circulate ideas of hostile character. Is there any reason, therefore, why at least serious consideration should not now be given to the views of my Government as to the expediency of putting an end to such discriminations as now exist in Russia between different classes of American citizens on account of their religious faith when seeking to avail themselves of the common privilege of civilized peoples to visit other friendly countries for business or for travel?

In transmitting the views of my Government at this length, and personally adding some reasons for favorable action which seem to me to be cogent, I have been actuated by the desire, as your excellency will appreciate, to contribute something toward those friendly relations which have marked the past, and which I value. For this reason I lend myself most earnestly to the work of carrying out my Government's instructions, in the hope that the result will be such as to contribute to the removal of one question of disturbing character from the realm of discussion by a mutually satisfactory understanding concerning it.

I take this occasion to renew to your excellency the assurance of my high consideration.

ROBERT S. MCCORMICK.

Mr. McCormick to Mr. Hay.

No. 193.]

AMERICAN EMBASSY,
St. Petersburg, October 7, 1904.

SIR: I have the honor to transmit to you herewith a copy and translation of a note received from Count Lamsdorff, Imperial minister for foreign affairs, in reply to mine of August 22 last, relating to the resolution adopted by the House of Representatives of the United States on April 21 last, concerning "the freedom of travel and sojourn in Russia, without regard to race, creed, or religious faith," of all American citizens, which was transmitted to me in your dispatch No. 127, of July 1 last.

I have, etc.,

ROBERT S. MCCORMICK.

[Inclosure.—Translation.]

Count Lamsdorff to Mr. McCormick.

MINISTRY FOR FOREIGN AFFAIRS,
St. Petersburg, October 4, 1904.

MR. AMBASSADOR: It is with special interest that I have become acquainted with the consideration expressed by your excellency in your note of the 9/22d of August, relative to certain facilities to be granted to American citizens of Hebrew faith with regard to their entry into Russia. In this connection I have the honor to inform you that a special commission has been instituted by supreme order on December 17, 1903, with the ministry of the interior, in view of generally revising the passport regulations actually in force.

The Imperial ministry of foreign affairs having appointed a representative with this commission, I shall not fail to bring, through his intermediary, to the knowledge of that commission your views on the subject and the desire of the Federal Government, of which your excellency has been the interpreter.

I avail, etc.,

LAMSDORFF.

Mr. HARRISON. Mr. Speaker, this is a resolution of my colleague [Mr. GOLDFOGLE] to secure equality of treatment abroad for all American citizens. Upon two occasions I have presented to the House my view of this matter. It is therefore unnecessary for me to detain the House at great length this morning.

But I wish to call attention, however, to the fact that in the Committee on Foreign Affairs in the discussion of this matter it was unanimously agreed that our country should secure a revision of the treaty, if possible, looking to a correction of the abuse by Russia of the American passport. There were a number of members of the committee who thought it advisable to direct or to request the President of the United States to denounce the present treaty with Russia as outworn, and yet it was decided by a majority of that committee, in view of the fact that a new administration was incoming, that it would be indiscreet at the present time for us to request a denunciation of the treaty. It is evident to all of us, however, that some more vigorous step must be taken by America to secure the elimination of this abuse. It is now five years, so far as we are aware, since any positive stand has been taken by our country to secure a correction of this evil. It is therefore unquestionably the sentiment of this House that we should bring this matter to a head. But we do not wish to embarrass the incoming administration before they have had sufficient time to deal with the question.

In these days the foreign relations of the United States are attracting more attention than ever before in times of peace. Our institutions and our principles of government are daily gaining ground and winning admiration in the other countries of the world. No one of our principles is dearer to the heart of the American citizen than the American doctrine of complete freedom and equality of religion. For this noble principle we have raised an enduring standard. In but one respect have we failed of our ideal. We have, as yet, failed to secure from Russia a proper respect for this fundamental principle of our Government. They still assert the right to discriminate between different classes of American citizens, solely on the ground of religious belief. To the founders of this Republic such an idea would have been inconceivable. They would have cast aside as abhorrent the suggestion of what is now a dismal reality—that an American citizen, armed with the passport of the United States, should be halted at the boundary of a friendly power, questioned as to his religious belief, and rejected or refused admission because of such religion.

This is not a question of the naturalization or immigration laws. Only those ignorant of the facts or anxious to conceal the present distressing situation will so assert. The issue is presented more clearly by the case of the Hebrew born in America, of American ancestry. Such a man, whatever his achievements or services to his community and his country, however high his character and reputation, may be stopped, questioned, humiliated, and insulted at the boundaries of Russia, and finally refused admission because of a profession of his religious faith.

Mr. Speaker, this is intolerable. We have suffered this abuse too long. The time has come to call a halt, and to call so loudly that the Czar upon his throne may hear. If, with insidious cunning, the Russian diplomats can twist a clause of our treaty into fancied permission to their Government to so maltreat American citizens, let us denounce this treaty. Let us call upon our new administration for prompt and vigorous action. Let us assert once more and with patriotic vigor our equal rights before all men.

Mr. SABATH. Mr. Speaker, why the Committee on Foreign Relations has seen fit to refuse to report to this House this resolution as presented in its original form by my colleague from New York I do not know—nor do I understand. I have given the phraseology of the same thorough consideration, and to be sure there was nothing which could have been construed as being objectionable in the minutest detail. It requested the President and the Secretary of State, in very proper language, to demand that the treaty privileges with Russia in the treaty of 1832 be complied with and lived up to, both in letter and spirit.

As in all ratified treaties, there was a mutual understanding to enforce and regard all provisions, and since the day on which the treaty became effective and operative nothing has transpired which would cause a desire to alter or change the provisions of this treaty, unless it be the chicanery and total disregard of the fundamental principles of international law which Russia has persistently practiced—or is it perhaps that Russia is endowed with a special prerogative to violate and abuse and totally disregard the rights of citizens of the United States, under existing treaties?

It is to be regretted that the last three administrations have not only permitted but sanctioned these violations, notwithstanding the fact that the Government has repeatedly received notices and complaints from many citizens. Mr. Speaker, this resolution strikes deep at the national pride and polity of the United States, and when I rise to speak in favor of this meek, as amended, resolution, I rise to insist that our treaty obligations must be lived up to; that justice and equality should and must be granted to our citizens regardless of creed, and finally to point out the expediency for action in the matter. This question of the proper recognition of passports has dragged on for years, and justice demands that such deliberate, continuous discrimination and shameful insulting must cease. I believe that the time has come when this injustice, going on before our very eyes, must be absolutely eradicated; and knowing that there is no earthly possibility of having such initiative taken on the part of our Secretary of State, or the unjust, despotic, and barbaric administration of Russia, I believe that we, as the legislative body of the United States, must take action, even if the committee has seen fit to strike out the very basic essence of this resolution.

A few days before the last presidential election I read a copy of a letter written by Secretary Elihu Root, printed in one of the newspapers, and addressed to a certain gentleman in the city of New York, which caused me to believe that something would be really accomplished and some definite action would be taken to eradicate the abuses. Mind you, Mr. Speaker, this letter appeared shortly before the election, and was, of course, neatly published in all the papers, stating that progress was being made in the negotiations with Russia relative to securing from that country the proper recognition of our passports and passport privileges. And now what justification or real truth do we find for the article—what evidence of any progress or action in the matter have we? I sincerely hope that the department has not been making a political tool of so vital and important a question as this. It is exceedingly strange that no Member of this House, or this House as a body, has been able to obtain this information; and now, even six months after the publication of this letter, it is still impossible to obtain any information as to what the department has done.

Yes, Mr. Speaker, we must wait and read it in the papers. I assure you it will give me great pleasure some day to be able to read in the papers, knowing that we Members can not secure the information, that our Government has ceased making empty remonstrances without action to back them up, and that it will refuse in the future to aid a foreign government in violating its treaty at the expense of thousands of our own law-abiding citizens. It will give me still greater pleasure to know that our Government at all times properly considers and properly makes it a point to stand for the rights and privileges of each and every American citizen, regardless of creed or religion, whether it be on foreign shores or at home.

No, Mr. Speaker and gentlemen, it is not necessary for me to enumerate the sufferings of the Jew in Russia, or to point out the instances in which that Government has overstepped the bounds of humanity and committed deeds violating the most primitive demands of all enlightened civilization. The despotism, tyranny, prejudice, cold-blooded slaughter fests instigated by the Government, banishment, and similar atrocities practiced by that Government need no elucidation or proof.

True enough, this can only arouse our sympathies, for we are not to-day concerned and, to my great regret, can not change the internal administration of Russia; but when it comes to dealing with subjects of this Government, my own people, good Americans, faithful and liberty-loving citizens, it is time for us to interpose. As long as the Government of Russia refuses to visé the passports of Americans who profess the Hebrew religion, and as long as the Department of State of this country assists in the matter, we hypocritically place in jeopardy the time-honored standards of Americanism. And as long as the foundation stone of this Government is "equality of man," we can not sit idly by and willfully submit to trafficking with American ideals and institutions. As long as the treaty of 1832 with Russia provides that the citizens of the United States may travel and sojourn in Russia with absolute freedom, regardless of religion, we have little justification for complaint when our own institutions refuse to issue passports because of religion.

The toleration of such discriminations throws the odium and reflection arising therefrom not upon the citizens so discriminated against, but upon this Government. It places in mockery and ignores the basic principles of the Constitution, both in letter and in spirit; but the greatest insult and mockery of all comes from our Department of State in a circular issued May

28, 1907. It is so extreme and un-American that every true citizen must condemn it. It reads as follows:

RUSSIA—NOTICE TO AMERICAN CITIZENS, FORMERLY SUBJECTS OF RUSSIA, WHO CONTEMPLATE RETURNING TO THAT COUNTRY.

A Russian subject who becomes a citizen of another country without the consent of the Russian Government commits an offense against Russian law, for which he is liable to arrest and punishment if he returns without previously obtaining the permission of the Russian Government.

This Government dissents from this provision of Russian law, but an American citizen formerly a subject of Russia who returns to that country places himself within the jurisdiction of Russian law and can not expect immunity from its operations.

Jews whether they were formerly Russian subjects or not, are not admitted to Russia unless they obtain special permission in advance from the Russian Government, and this department will not issue passports to former Russian subjects or to Jews who intend going to Russian territory, unless it has assurance that the Russian Government will consent to their admission.

No one is admitted to Russia without a passport, which must be viséed or indorsed, by a Russian diplomatic or consular representative.

ELIHU ROOT.

DEPARTMENT OF STATE, Washington, May 28, 1907.

No fair-minded American, reading this circular, can find the slightest justification for it. No, Mr. Speaker, I absolutely deny the right of the department to have issued this circular, and I deny their pretension to make inquisition into the religious belief of an American citizen. I venture to say that there is no greater blot on the pages of American diplomatic history, and no greater insult than this was ever perpetrated on any people. On what grounds can anyone justify the Secretary of State in refusing, not only to naturalized American citizens who were formerly Russian subjects, but to all American Hebrews, the right and privilege of a passport unless Russia shall give consent before the passport is issued? Those born and reared in this country, and who may have figured in the most memorable chapters of our history, are not excluded.

If the Secretary of State can not obtain for American citizens rights secured to them under our treaty; if he can not make one of the sovereign rights unconditional upon the assent of a foreign ruler, he has no earthly right to take the matter in his own hands and assist Russia in carrying out her violations, thereby making us an accomplice to the whole injustice, fostering the internal narrow creedal policies of Russia and becoming mere puppets in the hands of a monster, salaaming at each beck and call. What justification had he for doing so, and why did he quietly retract it? For eight months these circulars were sent to all Americans applying for passports to Russia, and the moment there was a possibility of investigation the department attempted to smooth it over. If we are here as representatives of the American people, we are entitled to know.

If this same treatment would have been tendered to the Catholics or Presbyterians or any other creed a state of civil disruption would have been the result. My people are not only entitled to equal privileges, but to an apology from the then Secretary of State. And that is why I am using all my efforts of speech to insist—not urge, but insist—that our citizens of Hebrew faith, whether born in Russia, France, Germany, or the United States, shall have absolutely equal rights and privileges not only on paper, but in the actual practices of this Government. The Russian Government has constantly violated the letter and principle of this treaty, and we must make the humiliating confession that the most powerful government in the world has allowed the basic principle of its foundation to be violated and flaunted in its face, and, moreover, has assisted in the carrying out of the insulting and discrimination.

And not only in regard to the discrimination against the members of one creed, but even to the abuse of our extradition treaty of 1898, have we permitted the Russian Government to continue its course of treaty abuse and violation without protest or even the utterance of a refusal to longer tolerate the commission of her gross injustices.

There are innumerable instances where Russia has sought the extradition of political refugees on other extraditable offenses, which is absolutely against the treaty, and has thus caused the United States and many individuals considerable expense and time. In the case of Rudovitz, which was just recently decided by the Secretary of State, it had been clearly shown by the testimony of witnesses and documentary evidence that the deed committed by Rudovitz was committed at the time of a revolution in Russia, and that Rudovitz was a political refugee, a well-known fact to the Russian Government.

Notwithstanding this fact, a United States commissioner ordered his extradition, and had it not been for the unanimous protest of the American people the decision would never have been reversed and said Rudovitz would have been sent back to Russia and, no doubt, by this time executed, thereby establishing a precedent by which Russia could have demanded the extradition of hundreds of political offenders, and, at the same time,

demonstrate to its thousands of liberty-seeking people that even the doors of the most enlightened country would be barred to them should they assist in any manner the struggle for their freedom and liberty. This clearly shows that Russia's abuse is not confined to this refusal to recognize American passports, but extends to our extradition treaty as well. Why this state of affairs has gone on so long, I can not understand. In 1904, Count Lamsdorff, the Russian minister of foreign affairs, stated that the matter of recognition of passports had been turned over to a special commission for investigation and that the matter would be adjusted at once.

Four years have elapsed, and up to the present time no step has been taken, and for all we know the commission may have died of old age trying to frame up an excuse which could satisfy the American people.

Gentlemen, this has gone too far, and the time for action is overdue. We have been relying on flimsy promises for too many years, and the injustices have piled into a pyramid of stain on the time-honored foundations of the American Government. And in the name of these principles I urgently insist that the United States carry forward unflinchingly the principles bequeathed us by our forefathers. Let us therefore insist that all nations, regardless of internal conditions, as long as they profess peace with us, must respect every American citizen whom his country vouches for, regardless of race, standing, or religion.

Notwithstanding the fact that this resolution is not what I had hoped for, nor what it really should be, I shall vote for it and sincerely hope that every Member of this House will do likewise, making it unanimous. Such action will, if nothing else, express the sentiment of the Representatives of the American people and will thereby serve notice on the incoming administration, particularly the Secretary of State, that the people of this country will no longer tolerate such unjust and un-American discrimination, and that not only Russia but our State Department, above all, should discontinue its policies and try to screen the injustices of the past. As to myself, Mr. Speaker, I shall in the future, as I have in the past, carefully follow the action of the department, whether it comply with the expression and will of the House, or if it will, as heretofore, with glorious convenience ignore our action, and I shall endeavor to the best of my ability to keep this House, as well as the American people, informed of the course of action taken, and shall unhesitatingly bring to light and place the responsibility and blame where it properly belongs.

Mr. CAPRON. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. SULZER].

The SPEAKER. The gentleman from New York [Mr. SULZER] is recognized for two minutes.

Mr. SULZER. Mr. Speaker, it is a matter of much gratification to me, and I know it will be to every liberal-minded and liberty-loving citizen in the land, that at last the Committee on Foreign Affairs of this House has reported a resolution to make Russia treat all American passports alike and without discrimination on account of race or religion. I concur in all that has been so well said this morning concerning this matter, and for one I want to stand up here in my place and say that if the Russian Government will not treat all passports of American citizens alike, regardless of race or religion, then the Government of the United States should immediately serve notice on the Russian Government that this country desires to abrogate the treaty existing between the two powers. We must notify Russia that we intend to do this. It is only fair, and it is only just, and it is only right to all our citizens. The Russian Government has no more right to discriminate against an American citizen on account of his race or his religion than we have to discriminate against a Russian subject sojourning in this country because the Russian citizen's religion, forsooth, is different from our own. I am opposed to any discrimination on account of race or religion. The Russian Government must be told in plain words that the United States will no longer tolerate her discrimination against our citizens simply because they are Jews. An American citizen's passport must be treated the same in every land and in every clime. That should be a fundamental principle of our foreign policy. For us to do less is, to say the least, humiliating and contrary to the letter and the spirit of our free institutions. I trust this resolution will pass, and I indulge the hope that the next Secretary of State will see to it that the Russian Government discontinues its discrimination against American citizens on account of their race and their religion. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAPRON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. PARSONS] may extend his remarks on this subject in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HITCHCOCK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. CAPRON. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to, the joint resolution engrossed, the amendments to the preamble agreed to, and the joint resolution read a third time and passed.

MINORITY VIEWS—OCEAN-MAIL BILL.

Mr. SMALL. Mr. Speaker, I ask unanimous consent for a reprint of the views of the minority on the bill S. 28—the ocean-mail bill—so that an error may be corrected in the same.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for a reprint of the views of the minority of the Committee on Post-Offices and Post-Roads on the bill S. 28—the ocean-mail bill—so that an error may be corrected in the same. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to bills of the following titles:

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 27061. An act to provide for the appointment of an additional district judge in and for the western district of Washington; and

H. R. 26394. An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 28193. An act to authorize the city of Shreveport to construct a bridge across Red River; and

H. R. 14290. An act for the relief of Ellis W. Joy.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 6055) to amend section 601 of subchapter 7, building associations, of the Code of Law for the District of Columbia.

FRANCIS J. PARKER.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to submit the following privileged report (H. Rept. No. 2285) from the Committee on Accounts.

The Clerk read as follows:

House resolution 574.

Resolved, That the Clerk of the House of Representatives is hereby authorized and directed to pay, out of the contingent fund of the House, to Francis J. Parker the sum of \$108.30, being the amount due him as clerk-hire allowance for services rendered the late Hon. William H. Parker, a Representative from South Dakota, from June 1 to June 26, 1908, inclusive.

The question was taken, and the resolution was agreed to.

EDWARD J. CANTWELL.

Mr. HUGHES of West Virginia. Also the following (H. Rept. No. 2286):

The Clerk read as follows:

House resolution 578.

Resolved, That there shall be paid out of the contingent fund of the House to Edward J. Cantwell, administrator of the estate of William A. Watson, deceased, late a special messenger in the service of the House of Representatives, an amount equal to six months' salary of said Watson, and an additional amount, not exceeding \$250, to defray the funeral expenses of said Watson; also the accrued salary due said Watson at the time of his death.

The question was taken, and the resolution was agreed to.

MICHAEL A. RATTIGAN.

Mr. HUGHES of West Virginia. Also the following:
The Clerk read as follows:

House resolution 579.

Resolved, That there shall be paid out of the contingent fund of the House to Michael A. Rattigan the sum of \$62.44, being the amount due him as clerk to the late Representative Daniel L. D. Granger, of Rhode Island, from February 1 to February 14, 1909, both dates inclusive.

The question was taken, and the resolution was agreed to.

ADDITIONAL CLERK, COMMITTEE ON ENROLLED BILLS.

Mr. HUGHES of West Virginia. Also the following (H. Rept. No. 2287):

The Clerk read as follows:

House resolution 601.

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint two additional clerks to said committee, who shall be paid out of the contingent fund of the House at the rate of \$6 per day during the remainder of the present session.

The amendment recommended by the committee was read, as follows:

In line 2, strike out the word "two" and insert the word "one;" in line 3, strike out the word "clerks" and insert "clerk."

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Was not there a resolution or bill passed some years ago to have these enrolled bills printed instead of written?

The SPEAKER. There was.

Mr. CLARK of Missouri. Then what do we need with an additional clerk?

Mr. WILSON of Illinois. The bills have to be compared.

The amendment was agreed to.

The resolution as amended was agreed to.

DISTRIBUTION OF DOCUMENTS.

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the following joint resolution.

The Clerk read as follows:

House joint resolution 263 to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications.

Resolved, etc., That all documents and books ordered to be published by the Sixtieth Congress which are actually printed prior to the first Monday in December next, to which Members of that Congress not Members of the Sixty-first Congress would have been entitled if published prior to the 4th day of March, shall be allotted such Members, and the term allowed to distribute the same shall be extended to the first Monday of December next.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass the joint resolution. Is a second demanded?

Mr. MANN. I demand a second.

The SPEAKER. Under the rules a second is ordered. The gentleman from New York [Mr. PERKINS] is entitled to twenty minutes and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. PERKINS. Mr. Speaker, this is a resolution which affects the distribution of documents by the outgoing Members, and therefore affects the rights of the incoming Members of the Sixty-first Congress.

Mr. KIMBALL. Mr. Speaker, we can not hear a word of what is being said.

The SPEAKER. The House will be in order. If the galleries will refrain from conversation, and if Members will refrain from conversation, in the opinion of the Chair there is no hall on earth that has as good acoustic properties as this Hall. [Applause.]

Mr. PERKINS. This resolution refers to the distribution of documents by Members of the Sixtieth Congress who are not Members of the Sixty-first Congress. It is reported by the Committee on Printing, for the judgment of the House, as to which is the fair course of procedure to be taken. The law as it now stands provides that an outgoing Member of Congress has the distribution of documents until the beginning of the first session of the following Congress. Under that rule the first session means, ordinarily, the first Monday of December, and the Members of the Sixtieth Congress not reelected to the Sixty-first would have all the documents printed down to the 1st of December next, and the incoming Member would have no documents for distribution until Congress met on the first Monday of December. That is the general law.

Now, as we all know, the Sixty-first Congress is to be called in special session on the 15th day of March instant. As a result, if no action is taken by Congress, the right of the outgoing Member to receive documents for distribution and to make distribution will cease on the 15th day of March, two weeks from

this date. On the other hand, it may be said in behalf of the incoming Members that ordinarily they are not required to attend sessions of Congress until the first Monday of December; but if the incoming Member is actually required to attend Washington in the middle of March to give his time during the session that begins then, it is, perhaps, fair that he receive the distribution of books from the time he comes here. Now, in answer to that, the outgoing Member says that when he first came to Congress he received no distribution until the December following the time of the beginning of his term. That is, if he served one term of two years, he had a distribution of documents for only fifteen months, whereas his successor, who also served a term of two years, would have a distribution of two years and nine months.

In view of that, the Committee on Printing has reported this resolution, which modifies the law, so as to provide that, notwithstanding the calling of the extra session in March, the time for the distribution of books to outgoing Members of Congress not Members of the Sixty-first Congress shall be extended to the first Monday of December; and the committee submits this to the judgment of the House as to whether, in view of all the circumstances, it is proper to extend the time for the distribution of books and the receipt of books to the outgoing Members to the first Monday of December. That is the law, if it were not for the extra session. But, in view of the fact that there is an extra session, the incoming Members would receive the distribution from the time they actually take their seats, unless this resolution is passed.

I reserve the balance of my time.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. PERKINS. Certainly.

Mr. MANN. The resolution provides "for the distribution of all the documents and books ordered to be published by the Sixtieth Congress which are actually printed prior to the first Monday in December next."

Mr. PERKINS. Yes.

Mr. MANN. Now, will that include publications made under permanent law, such as the Yearbook, such as the Farmers' Bulletins, or even such as the geological reports or any other documents except those specifically ordered to be printed at the desk or by resolution?

Mr. PERKINS. In my judgment, this resolution as it is drawn would include, for instance, the Yearbook, because the appropriation for the Yearbook to be published next summer has already been made by the Sixtieth Congress. So I think the Yearbook that is now in process of preparation, which will be distributed, I suppose, next July, the authorization for which is contained in the appropriation bill that passed the Sixtieth Congress, would go to the outgoing Members under the wording of this resolution.

Mr. MANN. Regardless of the wording, I am not so sure as to the intent of the resolution. Is it the intent of the gentleman to provide in the resolution that all documents distributed through the folding room shall remain to the credit of the outgoing Member until the 1st of next December, subject to his order?

Mr. PERKINS. Excepting such documents as are authorized by the Sixty-first Congress at its session soon to begin. Of course, though they were printed at once, if a document was ordered printed by the Sixty-first Congress on the 15th of March and was ready for distribution on the 20th of March, it would go to Members of the Sixty-first Congress and would not be covered by this resolution.

Mr. KEIFER. I should like to ask a question for information.

Mr. PERKINS. I yield to the gentleman from Ohio for a question.

Mr. KEIFER. I only wish to understand the operation of this resolution if it be adopted. The publications that would go to the outgoing Members of the Sixtieth Congress up to the 1st of December next might be very considerable. How would that outgoing Member distribute those publications after the 1st of December next?

Mr. PERKINS. After the 1st of December next he could have them all sent to his own home, if they were still undistributed, and then he would have to make his own distribution.

Mr. KEIFER. We would have to distribute them without the franking privilege.

Mr. PERKINS. After next December.

Mr. KEIFER. And yet you give him the franking privilege for the purpose of distributing that publication.

Mr. PERKINS. No; I think not.

Mr. KEIFER. Everybody else gets it.

Mr. PERKINS. I know, but everybody else is a Member of the Sixty-first Congress. He has the right to the franking privilege for nine months, until the 1st of next December.

Mr. MANN. Mr. Speaker, this resolution is a proposition to discriminate—

Mr. STANLEY. Mr. Speaker, I ask for order. I want to hear the gentleman. He usually has something to say when he gets up.

The SPEAKER. The House will be in order.

Mr. MANN. Mr. Speaker, the resolution is a proposition, it seems to me, to make an unjust discrimination against the Members elected for the first time, in favor of those who go out.

Under the law a man is entitled to the documents belonging to his district until the first session of the next Congress meets, which in this case will be, I suppose, the 15th of March.

Mr. Speaker, I came here for the first time at the special session of Congress which passed the Dingley tariff law. It so happened that my predecessor was one of my best friends. The old documents that he had he turned over to me. I had constant requests for documents during that special session of Congress, and I should have felt outraged if Congress had provided that some antagonist perhaps of mine was to have the distribution of documents after I was sitting on the floor of the House, and when my constituents wrote to me for documents, I had been obliged to say: "I have no documents, although a Member of Congress. Apply to the man whom I beat for re-nomination or reelection."

Mr. MARSHALL. I was in exactly that same fix at the first session of Congress when I was elected here. I was for months without documents. I provided myself the best I could; but this proposition is to cut me off and put my successor in a better condition than I was.

Mr. MANN. Oh, the gentleman suffered once under the law as it stood. He ought to be willing to treat his successor fairly and not ask Congress in selfishness to give him the documents which he believed when he came here belonged to the man who was in Congress.

Mr. MARSHALL. You want me to suffer again.

Mr. HINSHAW. I had a similar experience. I had no documents to distribute, and I applied to Hon. JAMES R. MANN for some documents, which he very kindly gave me, in that way supplying a very considerable number in my district and making good that deficiency in my document list.

Mr. MANN. Mr. Speaker, the new Members come here about the 15th of March, are sworn in, and they will have constant applications from their constituents for documents. How can it be considered fair to say that they shall have no documents; that their predecessors shall have all the documents until the 1st of next December? If Congress was not in session the situation would be different. But when a man comes here, when he is in Washington attending the sessions of Congress, it seems to me all decent regard for the consideration of other men will lead us to treat the newly elected Members of Congress fairly. We should not forget that, though we would like to favor those who go out, the new Members will be our colleagues after the 15th of March, and we ought not to discriminate in favor of those who are now here because we are fond of them, but remember that when they are gone we shall also be fond of those who succeed them. I now yield three minutes to the gentleman from Iowa [Mr. DAWSON].

Mr. DAWSON. Mr. Speaker, it may be somewhat ungracious to outgoing Members to oppose the passage of this resolution, but it seems to me that there is a question of right and wrong, a question of justice and injustice involved in this resolution. We ought to remember as a fundamental fact that the documents ordered by Congress and allotted for distribution are not provided for the personal use of the Members, but are provided and allotted to the districts themselves. That being so, the question for the House to determine is, Who is the proper man to make the distribution of those documents among his constituents? Is it right for the ex-Member of Congress to distribute the documents in the district after his successor has been elected, after his successor is in Washington and has been sworn in and is performing all the functions of a Representative of the district, when there is coming to him all the requests for documents from his district? I say it is not fair to deprive the real Representative of the distribution of the documents which belong to his district and place it under the control of one who has already had an "ex" put before his name and who has retired to private life.

Mr. ADAIR. Will the gentleman yield for a question?

Mr. DAWSON. Certainly.

Mr. ADAIR. Does the gentleman think it is fair to the Member who was elected two years ago and who goes out this year,

who did not have the documents to distribute from the 4th of March until the next December, to deprive him of that right now?

Mr. DAWSON. Let me answer the question of the gentleman by asking another: Did not the gentleman feel between the 4th of March, when he became a Member of this House, and the 4th of the following December, when he began to get documents, that an injustice was being done him during that period?

Mr. ADAIR. That is true, but that has been the rule in the past.

Mr. DAWSON. Does the gentleman want to perpetuate that injustice to Members who come hereafter? I believe that the injustice has worked long enough, and I am willing to lose my share of the documents when I go out in order to see that the men who come in after the 4th of March shall have justice accorded to them.

Mr. ADAIR. I want to say that this matter does not affect me, for I do not go out, but I sympathize with the Members who are affected.

Mr. MANN. Mr. Speaker, I now yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I am opposed to this resolution. It looks like a resolution in favor of the Members who are reelected and in favor of the Member who is defeated and against his successor. I will not stand here and by my vote do my successor an injustice. I think this does do him an injustice, and I will not take the documents if they are put to my credit. [Applause.] I yield back the balance of my time.

Mr. PERKINS. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has ten minutes.

Mr. PERKINS. How much time has the gentleman from Illinois?

The SPEAKER. Eleven minutes.

Mr. PERKINS. I yield three minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL of Missouri. Mr. Speaker, I wish that I may have order in the three minutes allotted to me.

The SPEAKER. The Chair sympathizes with that aspiration. [Laughter.]

Mr. RUSSELL of Missouri. Mr. Speaker, there are 77 Members of this House that will not be Members of the next House. I happen to be one of those unfortunate Members myself. These 77 Members are directly interested in this resolution. The balance of the Members of this House will not in any way be affected by it. It is not because I would be a beneficiary under this resolution that I now support it, but because I believe it is absolutely fair and just.

If this resolution is not passed, the 77 Members of this House, elected for the first time two years ago and who retire at the end of this session, will get the documents published by Congress for only fifteen months—that is, until the meeting of the extra session—while their successors who may be here for two years will get the public documents for thirty-three months. I submit that that is not fair. I was elected two years ago last fall. I had hundreds of requests for publications from my constituents between the 4th of March and the 1st of December. I was compelled to write to all of them that all of the public documents in that interval were given to my predecessor, and that I would not be able to furnish them until December. I insist that my successor to-day can do what I did then, and say to the people who write him for public documents that under the law they will not be given to him until next December, and that he can not furnish them until then. The gentleman from Iowa, my friend Mr. DAWSON, says that this law is not fair, either to the Members heretofore or now, but it has been the law and submitted to by Members in the past, and it is not fair to change the rule now at the expense of those of us who go out, simply because there happens to be an extra session.

My friend from Tennessee [Mr. GAINES] says that he does not want these documents after his retirement. If he does not, he can turn them over to his successor, but I submit that because he does not want his documents is no reason why we who do want them should not have them. I want to say that I have received but one Yearbook, and if this resolution is not passed I will get no more, while my successor will in his two years' term get three. Last year we ordered the publication of the cattle book. It has not been printed yet; and if this resolution does not pass I will not get it, although ordered printed a year ago. Eulogies delivered in this House a year ago have not yet been printed, and unless this resolution passes I can not get them. I believe that if my successor were here and permitted to vote that he would be just enough and fair enough to vote for this resolution. [Applause.]

Mr. PERKINS. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, as I am not a retiring Member I am not affected in one way or the other by this proposition. It seems to me that it does not affect the Treasury in any way. It is just a question of distributing certain public documents. Shall they be sent out by the retiring or by the incoming Member from the same district? They will all go to the same districts; they will all get to the people in either event. The only question is whether they shall be distributed by the retiring Members or by the incoming Members. Each Member of Congress is elected for two years. Within that period certain public documents are ordered printed, but they are not all printed and ready for distribution by March 4. Ordinarily a retiring Member would have until the 1st of next December within which to distribute the documents which are not yet fully printed.

The only question is whether by reason of the extraordinary session he shall be deprived of that privilege and his successor gain that much. In no way does it affect the Treasury. It simply gives to each retiring Member the privilege of distributing two years of publications. If you give it to the new Member, he will have more than his fair share. It seems to me that justice to the retiring Member demands the passage of this resolution.

Mr. PERKINS. Mr. Speaker, I yield two minutes to the gentleman from North Dakota [Mr. MARSHALL].

Mr. MARSHALL. Mr. Speaker, this is simply a question of fair play. The question is whether the retiring Member shall have the privilege and the right of distributing his quota of documents for the full term for which he was elected, or whether there shall be taken away from him the right to distribute those documents for the greater part of a year. That is all there is to the question. In either event they go to the people. My successor is a nice gentleman, a personal friend of mine, and if this resolution passes there will be no reason why I can not share my documents with him if I desire, but it is up to me to say, and not the House, whether I want to do that or not. If you pass this resolution, you are taking away the right to distribute documents for the full term for which the retiring Members were elected.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman talks about "my documents." As I understand it, they are paid for by the Public Treasury.

Mr. MARSHALL. I have not said my documents, but my right to distribute these documents. I say that you are taking away from the retiring Member his right to distribute those documents for his full term. Now, if I want to transfer them to my successor, that is my business, or if I want to send them to my constituents, that is also my business. In all fairness I hope the Members of the House will vote for this resolution.

Mr. MANN. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. CAULFIELD].

Mr. CAULFIELD. Mr. Speaker, I, too, am about to retire from Congress. I listened with great interest to the remarks of my colleague from Missouri [Mr. RUSSELL], but I think that for the very reasons that he stated for favoring this resolution I would vote against it. It seems to me that if we suffered an injustice by reason of the law that is no reason why we should visit that injustice upon our successors. I am going to be succeeded by a Democrat, but I feel that he has the right from the beginning of his term, as nearly as possible, to be the whole Congressman, and not have to refer matters to me, his predecessor.

I believe also that the distribution of documents is apt to be better done by a Member upon whom the responsibility of office directly rests than by one who, having retired from office, is apt to have become engrossed with other duties.

Mr. MANN. Mr. Speaker, I yield one minute to the gentleman from North Carolina [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, I happen to be one who is going out of this House against his will. [Laughter.] I have had experience heretofore for a long time, and in every instance when I have come here as a new Member I have found no documents to my credit; and the people at home have been asking me to send them documents, and, of course, I could only say that I had none. They do not know but that after the 4th of March, when the new Members come in, they have absolute control of everything in the way of publications. I happen to be succeeded by a Republican. I don't want him to have the experience I have had. I want nothing but that which belongs to me of right, nothing more, and when my successor comes here I want him to have every document that is published for a Member of Congress to distribute among his friends and constituents in the district. That is my feeling about it, and it is my judgment that he should have them

under the law. They do not belong to Members. It has been decided by an investigating committee of this House that the books do not belong to the Member, but to the district; and he is the agent simply to distribute these books and publications among the people at home, and therefore I can see no reason why the law should be changed. Why change it simply to keep a Member, who is going out, in contact with his people at home, as a matter of politics? There can be nothing else. [Applause.]

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, as an outgoing Member of Congress, my personal attitude toward this proposal has been fully described by the gentleman from Tennessee [Mr. GAINES], and the other Members who have spoken in the same vein. But it seems to me there is an aspect of this question which goes beyond the personal comfort or desires or interest of either the outgoing or the incoming Member, and that is the interest of the people of the United States in this distribution of government publications. I would be loath to believe that these documents are given to us for our own benefit, for our own personal delectation or to advance our individual political prospects. I prefer to believe, and I do believe, that they are intrusted to us as agents of this Government to be distributed among the people for their own benefit and enlightenment. Now, under our political system the terms of the Congress and the terms of each Member expire together, on March 4, and the new Congress ordinarily does not meet until the following December. There is an interval of several months after the end of an outgoing Member's term during which his successor has not been sworn into office and during which, therefore, he has not actively assumed his functions. Under those conditions it is entirely consistent with a sound public policy for the late Member, as a sort of holdover, to continue the distribution of public documents, not for his own benefit, but for the public benefit. When, however, an extra session brings the new Member into office and he is sworn in here, it becomes at once not only his right but his duty to charge himself with the distribution of every document printed by the Government to which the Representative from his district is entitled. It is no longer a question of authorizing a man who has been a Member to do something which he had been doing under the responsibility of his oath during an interim while his successor, the Member-elect, has not yet assumed his office in the sense of having qualified for it. It would be to exclude the fully qualified Member—the Member actually discharging his duty on the floor—from exercising one function of his office and to empower the man whom he has replaced and succeeded to continue the discharge of that particular public function, and I am opposed to any such reversal and confusion of functions, responsibilities, or privileges. [Applause.]

Mr. MANN. Mr. Speaker, I have only a word or two to say—

Mr. HUBBARD of West Virginia. Will the gentleman from Illinois be kind enough to state the existing law. Perhaps that has been done; if so, some of us have not been able to hear it.

Mr. MANN. Mr. Speaker, under the existing law, as I understand it, the ex-Member of Congress receives the public documents until the meeting of the first session of the ensuing Congress, so that if the Sixty-first Congress did not meet until the first Monday in December, the ex-Member of this Congress would be entitled to the public documents distributed through the folding room until that time, but as the next Congress will meet in extra session on the 15th of March, the rights of the ex-Member expires on the first day of the special session.

Mr. HUBBARD of West Virginia. And that law was in force when we were elected to this Congress.

Mr. MANN. Yes; and none of us declined an election—as a gentleman calls to my attention—not one of us declined an election because it was the general opinion that the special session would be called on the 15th of March. Some of the gentlemen who have spoken seem to think that these public documents are their private property, that they are printed by the Government as a perquisite to the Members of Congress, to be used for politics or any purpose they desire.

I have always considered that these public documents were printed for the public good, and they were only distributed by Members of Congress as a most convenient method of reaching the constituents in the different districts.

Mr. HAMILTON of Michigan. Mr. Speaker, will the gentleman permit a question?

Mr. MANN. I yield.

Mr. HAMILTON of Michigan. I simply want to ask the gentleman this question: How long has the retiring Member the franking privilege?

Mr. MANN. Until the 1st of December.

Mr. HAMILTON of Michigan. That is, for the purpose of distributing documents—

Mr. BARTLETT of Georgia. Mr. Speaker, will the gentleman permit—

Mr. MANN. Oh, it is a perquisite, maybe. I yield to the gentleman from Georgia.

I might say to the gentleman from Michigan [Mr. HAMILTON] that that is not for the purpose of distributing documents. The Member-elect has the franking privilege while the gentleman still occupies the seat.

Mr. HAMILTON of Michigan. The retiring Member's franking privilege applies to the distribution of all documents, as well as the sending of mail, does it not?

Mr. MANN. Yes; and the franking privilege applies to the Member-elect before his term of service commences.

Mr. HAMILTON of Michigan. I understand that.

Mr. BARTLETT of Georgia. I want to ask the gentleman if it is not possible to amend this resolution on account of the extraordinary session so as to apply to documents to be published, so that there will be sufficient for both the outgoing and the incoming Member? I do not think it would cost a great deal more.

Mr. MANN. Of course, Mr. Speaker, it is not practicable to do that under the terms of this resolution or the proposition to suspend the rules. The only way to do that would be to vote down this proposition, and then it might be reached. Now, Mr. Speaker, I yield whatever time I have remaining to the gentleman from New York [Mr. WALDO].

The SPEAKER. The gentleman has three minutes remaining.

Mr. WALDO. Mr. Speaker, I am one of the retiring Members, but I am opposed to this as I am to all legislation or resolutions for the benefit of particular persons. Because there happen to be 77 Members instead of 1 retiring from this Congress is no reason for changing the general law for the benefit of these particular persons. It is not the less special legislation in derogation of existing general law to give especial benefits to specified individuals.

The public documents published or ordered published during the Sixtieth Congress were not intended as personal emolument for the Members of that Congress, but for the information and instruction of the people of their districts. It is of no moment to the people as to whether the incoming or the outgoing Member answer their requests for public documents.

I am opposed to this proposed change in existing law and shall vote against it.

Mr. PERKINS. Mr. Speaker, I yield the balance of my time to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, it seems to me that the passage of this resolution is but an act of common justice. I would not do an injustice to the incoming Member; neither would I do an injustice to the outgoing Member. These gentlemen who have argued against the passage of the resolution have rather, I think, assumed that it was a proposition to change the permanent law. Now, if we had before us a proposition to change the law and let the documents be assigned by the men who went into the office at and from the time he actually went in—that is, from March 4—I would be in favor of it. But the defeat of this resolution will not change the general law, and we will come back after the coming Congress with men distributing documents up to the 1st of December, after they have gone out. Now, as a matter of fact—

Mr. DOUGLAS. Will the gentleman yield?

Mr. NORRIS. In a moment I will. As a matter of fact, I have in mind several instances of where men have been elected to this Congress for the first time. They got no documents to distribute until in December, more than one year following the time of their election. If this resolution does not pass, those men will lose that right on the 15th of March, giving them but a little more than one year of distribution of documents. Everybody will admit that is an injustice to them.

But that is not the end of it. Their successors, instead of having a distribution of documents for two years, the length of their terms, unless a special session of Congress should take it away, will have the right to distribute documents for nearly three years, although they may never be reelected to succeed themselves.

I submit, gentlemen, that it is nothing more than fair, both to the outgoing man and to the incoming man, that this resolution should pass, and that these Members who go out should be put on the same basis with Members who have gone out before, and that the Members who come in should be put on the same basis with all the balance of the Members who have come in.

I want to call your attention also to the fact that this resolution provides that such documents as are printed for the Sixty-first Congress and issued before the December following will be distributed by the incoming Member, giving him an advantage that his predecessor did not have and that none of the Members now have, and that Members who follow him, unless there is another special session, will have.

Mr. DOUGLAS. Will the gentleman yield?

Mr. NORRIS. I yield to the gentleman.

Mr. DOUGLAS. If this does not change existing law, what is the use of passing it?

Mr. NORRIS. It does not change permanent law, but it makes a change as to the distribution of documents from now until December.

Mr. DOUGLAS. It suspends?

Mr. NORRIS. It changes the law to that effect. I want to say to the gentleman that if it was a proposition to change permanent law and give the man who went in the right of distribution from March 4, I would vote for it. I would put everybody on an equal basis.

Mr. DOUGLAS. Did not the Members of Congress know what the law was when they were elected?

Mr. NORRIS. I suppose they did. They did not know that there was to be an extra session of Congress, though.

The SPEAKER. All time has expired.

The question is on suspending the rules and passing the joint resolution.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. PERKINS. Division, Mr. Speaker.

The House divided; and there were—yeas 240, yeas 81.

Mr. MANN. I ask for the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-two gentlemen have arisen; not a sufficient number. The yeas and nays are refused; the yeas have it; the rules are suspended, and the joint resolution is passed.

APPALACHIAN AND WHITE MOUNTAIN FOREST RESERVE.

Mr. WEEKS. Mr. Speaker, I move to suspend the rules and pass the Senate bill 4825, as amended; that there be one hour and twenty minutes provided for debate on this question, the time to be equally divided between the gentleman from Kansas [Mr. SCOTT] and myself.

Mr. MANN. I make the point of order that that motion is not in order.

The SPEAKER. The gentleman will state his point of order.

Mr. MANN. The rule provides for the length of time debate shall be had on a motion to suspend the rules; and the motion to suspend the rules is made under that rule which provides for the length of time. I make the point of order that it is not in order to make a motion to suspend the rules under the rule of the House, which motion eliminates the rule itself. I have no objection to the gentleman asking unanimous consent.

The SPEAKER. The Chair is inclined to the opinion that the point of order is well taken. Possibly the gentleman could obtain unanimous consent.

Mr. WEEKS. Mr. Speaker, I move to suspend the rules and pass the Senate bill 4825 as amended. Pending that motion, Mr. Speaker, I ask unanimous consent that an hour and twenty minutes be had for debate on this question, forty minutes on a side, to be controlled by the gentleman from Kansas [Mr. SCOTT] and myself.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, I would like to know what this bill is.

The SPEAKER. It is popularly known as the "Appalachian forestry bill." Is there objection to the request of the gentleman from Massachusetts as to the time for debate?

Mr. MADDEN. Reserving the right to object, I want to ask what this bill provides and whether there will be any opportunity for amendment to the bill while it is under consideration?

Mr. WEEKS. This bill is to be considered under a suspension of the rules, and there will be no opportunity for amendment.

The SPEAKER. The gentleman now asks unanimous consent that the time for debate be an hour and twenty minutes.

Mr. MADDEN. I propose to object unless we can have more time.

Mr. WEEKS. There will be an hour and twenty minutes instead of the forty minutes.

Mr. MADDEN. Mr. Speaker, I think an hour and twenty minutes is not sufficient time to be allowed for debate on an important question like this. Here is a question involving two millions every year.

Mr. WEEKS. One million dollars.

Mr. MADDEN. As a minimum, and I do not know what it will be in the years to come. It is too important a question to be decided in an hour and twenty minutes, and unless we can have more time I shall have to object. There ought to be sufficient time so that every Member of the House will understand the question.

The SPEAKER. Is there objection to the request touching debate of an hour and twenty minutes?

Mr. MADDEN. I ask unanimous consent, Mr. Speaker, that debate be continued for two hours and a half upon this question.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MADDEN. Then I ask that it be two hours.

The SPEAKER. Is there objection to two hours of debate? [After a pause.] The Chair hears none.

Mr. MADDEN. To be controlled by the gentleman from Kansas [Mr. SCOTT] and the gentleman from Massachusetts [Mr. WEEKS].

The SPEAKER. The Clerk will report the bill. Without objection, the Clerk will report the substitute for the Senate bill.

The Clerk read as follows:

A bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

Be it enacted, etc., That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States, for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

Sec. 2. That the sum of \$100,000 is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams, and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

Sec. 3. That the Secretary of Agriculture, for the further protection of the watersheds of said navigable streams, may, in his discretion, and he is hereby authorized, on such conditions as he deems wise, to stipulate and agree to administer and protect for a definite term of years any private forest lands situated upon any such watershed whereon lands may be permanently reserved, held, and administered as national forest lands; but such stipulation or agreement shall provide that the owner of such private lands shall cut and remove the timber thereon only under such rules and regulations, to be expressed in the stipulation or agreement, as will provide for the protection of the forest in the aid of navigation: *Provided*, That in no case shall the United States be liable for any damage resulting from fire or any other cause.

Sec. 4. That from the receipts accruing from the sale or disposal of any products or the use of lands or resources from public lands, now or hereafter to be set aside as national forests, that have been or may hereafter be turned into the Treasury of the United States and which are not otherwise appropriated, there is hereby appropriated for the fiscal year ending June 30, 1909, the sum of \$1,000,000, and for each fiscal year thereafter a sum not to exceed \$2,000,000, for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1919.

Sec. 5. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and one Member of the Senate, to be selected by the President of the Senate, and one Member of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section 6 of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions; and any vacancy on the commission shall be filled in the manner as the original appointment.

Sec. 6. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

Sec. 7. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

Sec. 8. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

SEC. 9. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act; but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

SEC. 10. That such acquisition may in any case be conditioned upon the exception and reservation to the owner, from whom title passes to the United States, of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance; but in every case such exception and reservation, and the time within which such timber shall be removed, and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

SEC. 11. That whereas small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him to actual settlers, in tracts not exceeding 80 acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

SEC. 12. That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section 24 of the act approved March 3, 1891 (vol. 26, Stat. L., p. 1103), and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this act into such specific national forests and so designate the same as he may deem best for administrative purposes.

SEC. 13. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absorbed from their duties as citizens of the State.

SEC. 14. That 25 per cent of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

SEC. 15. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of \$25,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

Amend the title so as to read "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers."

The SPEAKER. Is a second demanded?

Mr. SCOTT. Mr. Speaker, I demand a second.

The SPEAKER. A second under the rules is ordered. The gentleman from Massachusetts [Mr. WEEKS] has one hour, and the gentleman from Kansas [Mr. SCOTT] one hour.

Mr. WEEKS. Mr. Speaker, this bill, as reported from the Agricultural Committee by a vote of 11 to 7, is an amendment of Senate bill 4825, entitled "An act for acquiring national forests in the Southern Appalachian Mountains and White Mountains," the title of the act being changed to conform to the report made by the Judiciary Committee in May, 1908, so that it reads:

An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

All of the Senate bill after the enacting clause has been struck out and the House bill substituted as an amendment.

Section 1 of this bill will enable any number of the several States of the Union to enter into an agreement among themselves for the purpose of conserving forests and water supply in connection therewith.

Mr. OLMSTED. Will it interrupt the gentleman right there, before he passes to another subject, to ask him a question.

Mr. WEEKS. I shall be glad to yield to the gentleman, although I have very little time.

Mr. OLMSTED. I see there is a provision in this bill, that one State may join with another for the purpose of conservation of forestry and water flow. Does that mean that if the gentleman from Massachusetts holds a private forest in his State, and in Pennsylvania I own a private forest, those States may agree touching our private forests?

Mr. WEEKS. The intention of that section is that States located as are the New England States may form an association to protect the forests and the stream flow in those States. For instance, all of the lands that could, under any circumstances, be purchased under the provisions of this bill in the New England States are located in the State of New Hampshire. The rivers which are navigable in New England rise in the White Mountains, in the State of New Hampshire, but the water power on those rivers and their navigability are beneficial to the five New England States.

Mr. OLMSTED. Does the gentleman understand that this bill would authorize the States to agree touching the management of forests in private ownership, not purchased by the States or by the Government?

Mr. WEEKS. I think the gentleman will see in another section an application which will answer his question, if he has not already read the bill. Provision is made, as I will explain a little further, for that purpose.

Mr. BARTLETT of Georgia. Will the gentleman yield for a question?

Mr. WEEKS. I am perfectly willing to answer questions; but the time is so limited that I must ask that the questions be definite, so I need not devote much time to them.

Mr. BARTLETT of Georgia. I only wish to ask the gentleman a question with reference to this bill. Section 14 provides for the distribution of money arising from revenue from the national forest reserve that you have got here. That is distributed now for certain purposes—for schools and public roads.

Mr. WEEKS. No; it is not. That money now goes into the Treasury.

Mr. BARTLETT of Georgia. I say under this bill.

Mr. WEEKS. I say under this bill 75 per cent of the receipts will go for that purpose and 25 per cent will go to the States where the lands are located.

Mr. BARTLETT of Georgia. It does not go to the State; it only goes to the counties of the State wherein the mountains are situated, for public roads and for school purposes.

Mr. WEEKS. The purpose in making that reservation is that the immediate sections where these lands are located may receive this benefit in lieu of taxes, which otherwise they would receive from the lands which are set aside.

Mr. BARTLETT of Georgia. Are not the citizens of the counties where the lands are situated to be benefited by the purchase of those lands by the Government at a somewhat increased price?

Mr. WEEKS. I will say frankly that I think they are. That reservation was made to conform to the method followed in all national reserves as they now exist. That is the law which applies to the national reserves.

Mr. OLMSTED. I want to ask the gentleman one direct question in the line of the former one. Will this bill authorize any two States to enter into an agreement which will prevent the private owner of forest lands from removing his timber as he sees fit?

Mr. WEEKS. I do not understand so.

Section 2 provides an appropriation of \$100,000 to assist in fire protection. It is the purpose in this section that none of this money shall be spent in any State which has not provided itself with an efficient fire-protection law, presumably a law to be approved by the Agricultural Department; and, in addition, that none of it shall be spent in a State which does not make an equivalent appropriation for the same purpose, the intention being to create an interest among the States themselves in protecting public and private forests, preventing the enormous destruction from forest fires which occurs every year. Many States have already taken the initiative in this matter and have not only provided fire-protection service, with an appropriation to carry it out, but, in addition, have provided by law that railroads, which are among the principal offenders in setting fires, shall be held responsible for the fires which can be traced to sparks from locomotives. Other States have limited the right of hunters and others to visit unprotected tracts of timber land during unusually dry times and in other ways are, as far as possible within their own resources, assisting in carrying out the purposes of this section.

Mr. VREELAND. Will the gentleman explain what is the nature of the compact that may be entered into between the States?

Mr. WEEKS. That is a matter to be determined by the Secretary of Agriculture.

Mr. VREELAND. Does that contemplate the expenditure of money by the States in acquiring land, or is the money to be furnished by the Government?

Mr. WEEKS. That would depend upon the arrangement made by the Secretary of Agriculture.

Section 3 provides the method by which the Secretary of Agriculture may take over and administer tracts of private lands, providing a scheme for their development, methods of cutting, and so forth, enabling thereby the owner to get the benefit of the experience of the Agricultural Department and at the same time insuring a systematic protection to these tracts of land which will be beneficial to the neighborhood where they lie. The United States, however, is not to be held liable for any damage resulting from fire, or from any other cause, in cases where such arrangements are undertaken.

Section 4 provides a fund, to be taken from forestry receipts, to purchase lands located on or near the headwaters of navigable streams for the protection of the navigation of those streams, this fund to be \$1,000,000 for the first year and two millions each succeeding year for the following nine years, this particular section to expire by limitation in the year 1919. The receipts from the Forestry Service since the transfer of this service to the Department of Agriculture, February 1, 1905, have been as follows:

For the fiscal year ending June 30, 1905	\$60, 142. 62
For the fiscal year ending June 30, 1906	767, 219. 96
For the fiscal year ending June 30, 1907	1, 571, 059. 44
For the fiscal year ending June 30, 1908	1, 788, 921. 85

It will be noted that 1905 was but for five months.

And it is estimated that the receipts for the current year will reach something over \$2,000,000. These receipts are obtained principally from two sources; from the sales of timber and from grazing privileges. Of these, the sales of timber are something over one million annually, and the receipts from grazing will amount to about \$800,000 this year. It is pretty definitely determined that the grazing privileges do not bring more than about one-third the amount obtained by private owners for similar grazing lands in the same neighborhood, so that the grazing receipts should easily amount to two millions annually, and probably more, if the rate were raised to correspond to the going rates in the particular neighborhood where the lands are located. The receipts from the sales of timber are somewhat less, probably 20 per cent less, than those obtained from private owners; but, without taking account of this condition, it is estimated that less than one-half of 1 per cent of the available timber on government reservations is removed each year and that at least five times that amount could be taken off annually if there were suitable roads and methods of so doing, without in any way injuring the value of the forests. Therefore it is safe to assume that when suitable roads are completed and the forests are developed to obtain the best obtainable results, the receipts from timber land would be about five millions, or a net return of at least seven millions annually. As the expenditures for this bureau have not yet reached four millions, it can be seen that this would insure a handsome net revenue at once; and even following the methods which are now in vogue and developing the service as the present appropriations will enable the bureau to do, it is probable that in five years' time the net receipts from the bureau will be sufficient to provide this fund.

It has been urged that using the receipts from the Forestry Service is practically equivalent to using a direct appropriation for the same purpose. This is true to this extent. The receipts are now turned into the Treasury for general purposes, but using these receipts prevents the criticism which might be urged against the purchase of land by using moneys raised by direct taxation. Furthermore, it seems to me businesslike that the Government should use the receipts from this service to develop the service and add to it wherever the development will insure aid to so many valuable governmental purposes.

Mr. VREELAND. Will the gentleman yield?

Mr. WEEKS. I will yield to the gentleman from New York.

Mr. VREELAND. Suppose the hopes of the gentleman do not materialize; is this appropriation limited to the receipts from the service, or would the deficit, if any, have to come out of the Public Treasury?

Mr. WEEKS. It is limited to the receipts from the service—the gross receipts, but not the net receipts.

Mr. HUMPHREY of Washington. Will the gentleman yield to me for a question?

Mr. WEEKS. Certainly.

Mr. HUMPHREY of Washington. The gentleman from Massachusetts speaks of the cost being limited to these receipts. He refers simply to the money that shall be used for the purchase of the land?

Mr. WEEKS. Yes.

Mr. HUMPHREY of Washington. In the administration of it, in the administration of the forest reserves generally with the State, and in the administration of private forests by the Government, you are not limited to the receipts that come from the forest reserves, but may take them out of the National Treasury.

Mr. WEEKS. Mr. Speaker, the gentleman from Washington is right to this extent: It is proposed that the money for the purchase of the land shall be taken from the gross receipts from the Forestry Service.

Section 5 provides a commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, a Member of the Senate, and a Member of the House, to act as a commission to determine the method of carrying out the purposes of this act; where land shall be purchased, if at all; the prices paid; and all other incidents to the exploitation of forests obtained as proposed in this act; and an appropriation of \$25,000 is provided for the expenses of the commission.

Mr. OLLIE M. JAMES. Will the gentleman yield?

Mr. WEEKS. Certainly.

Mr. OLLIE M. JAMES. How are the Members which the gentleman speaks of as appointed by the President of the Senate and the Speaker of the House to be divided—politically, or are they not to be divided?

Mr. WEEKS. There is no provision in the bill, but I should hope that they would be divided between the two parties.

Mr. OLLIE M. JAMES. How can you divide them if there is only one to be appointed?

Mr. WEEKS. The one from the House might be of one party and the one from the Senate the other.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. WEEKS. Certainly.

Mr. MONDELL. How does the gentleman expect to secure anything from the proceeds of the Forestry Service at a time when the Forestry Service is spending several millions more than the receipts from the service?

Mr. WEEKS. Mr. Speaker, if the gentleman from Wyoming [Mr. MONDELL] had listened to what I said, he would have known that I am not anticipating any net receipts at once, but I do believe that in the course of three or four or five years there will be net receipts sufficient to provide for this fund.

Mr. GRAFF. How are these lands to be purchased by the commission, by private sale or condemnation, or both?

Mr. WEEKS. Either way.

Mr. GRAFF. They have the power to condemn?

Mr. WEEKS. Yes.

Section 7 of the bill provides that the Secretary of Agriculture shall examine, locate, and recommend for purchase lands which may regulate the flow of navigable streams, and report the result of these examinations to the National Forest Reservation Commission, provided that before lands are recommended for purchase they shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing in what way the control of these lands will promote or protect the navigation of streams.

This is an important proviso, because it limits purchases to the constitutional requirements, as enunciated by the Judiciary Committee of the House in its report of May, 1903. But the question has been raised whether the Geological Survey is the proper bureau to give advice relative to the effect of forests on stream flow, the suggestion having been made that the Engineer Corps of the Army might properly be intrusted with this duty. I am confident that the Geological Survey is the proper organization for this work. The hydrographic branch of this survey was organized twenty-one years ago, since which time definite appropriations have been made annually to carry out its work. It has recorded, during the last fifteen years, the maximum, minimum, and mean discharges of all the more important rivers, and for shorter periods the same facts concerning all the lesser tributaries of the many hundreds of streams in the United States. These results have been assembled and studied, and the flow of streams has been compared with the precipitation, as shown by the records of the Weather Bureau, and a vast amount of valuable data connected with forestation, etc., has been compiled. To make these reports does not involve any knowledge of inland water navigation or engineering questions relating thereto, as heretofore defined by law and interpreted by the Corps of Engineers.

The Government has invested forty-two millions in irrigation systems in the arid West, the whole integrity of which is based on the studies made by the Geological Survey, and the survey itself has on hand at the present time a large portion of the information which will be made necessary by the requirements of section 7. Its organization is complete, its men are specialists in this line, and it would therefore be a waste of material

and poor business policy to attempt to develop this work through some other channel or some other bureau of the Government.

Under the law the relative duties of the Geological Survey and the Engineer Corps, respectively, are very definitely defined. In the sundry civil appropriation bill of 1897-98 the following proviso was made for the Geological Survey:

For the survey of the public lands that have been, or may hereafter be, designated as forest reserves by executive proclamation the surveys herein provided for shall be under the supervision of the Director of the Geological Survey.

While the provision for the Engineer Corps' connection with surveys and examinations of rivers was provided in the act approved July 27, 1868, as follows:

Be it resolved, etc., That the Secretary of War shall cause to be prepared and submit to Congress in connection with the reports of examinations and surveys of rivers and harbors hereafter made by order of Congress full statements of all existing facts tending to show to what extent the general commerce of the country will be promoted by the several works of improvement contemplated by such examinations and surveys, to the end that the public moneys shall not be applied except where such improvements shall tend to subserve to the general commercial and navigation interests of the United States.

It must be apparent to anyone that the surveys to be performed by the Engineer Corps under this statute are limited to those sections of rivers and harbors which are navigable, and that any other examinations made, for any purpose, of rivers and streams must be under the direction of the Geological Survey; and it should be noticed that the proviso in section 7 will prevent the purchase of any land by the commission unless the Geological Survey shows the connection between forestry and stream flow, so that the constitutional objection which was raised to the original Senate bill has been amply provided for.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. WEEKS. Yes.

Mr. COX of Indiana. Can the gentleman inform the House or give us some idea as to the approximate cost it will be on the part of the Government to maintain these reserves?

Mr. WEEKS. I can not give any estimate of that because I do not know how many parcels of land will be purchased.

Mr. COX of Indiana. If the purpose of this bill be carried out, and nineteen or twenty million dollars be invested?

Mr. WEEKS. It would be all guesswork.

Mr. COX of Indiana. Would not the gentleman say it would be enormous?

Mr. WEEKS. Oh, no.

Mr. VREELAND. I would like to ask the gentleman a little more about the appropriation part of this bill. The appropriation for the general Forestry Service is now carried in the appropriation bill.

Mr. WEEKS. Yes.

Mr. VREELAND. The expenditure is now a considerable amount more than the income.

Mr. WEEKS. It is about \$4,000,000.

Mr. VREELAND. The balance comes out of the Treasury of the United States?

Mr. WEEKS. Yes.

Mr. VREELAND. I would ask the gentleman, then, this being a special bill, under the ruling of the comptroller, would not this take precedence as a claim upon this fund; and would not this have to be paid out first, thus necessitating a still larger appropriation for whatever the amount taken under this law is, which would have to be added to the appropriation bill for the next year?

Mr. WEEKS. Not a larger appropriation, Mr. Speaker. The appropriation for the Forestry Service this year is about four million. The receipts, after taking out 25 per cent, which goes to the localities, would be about a million and a half, so that the net appropriation this year is two and one-half millions. Of course, if a million of that is taken for this purpose, it would leave only a half million to offset the four millions appropriated for the Forestry Service.

Mr. VREELAND. Would not that mean a half million more appropriation from the Treasury?

Mr. WEEKS. It would not mean any larger appropriation than is now made.

Mr. REEDER. Would it decrease the amount available to take care of the forests as they are?

Mr. WEEKS. No.

Mr. REEDER. I do not understand, if there are two millions and a half appropriated now and a million is received and we make an arrangement to appropriate two million more, how we can make that sum less or the appropriation greater.

Mr. WEEKS. The appropriation would not be any greater, but the net appropriation would necessarily be greater. The gross would not.

Mr. REEDER. The amount to be used in the forests as they are would be left—the two million?

Mr. WEEKS. Not at all.

Mr. REEDER. Then I do not understand.

Mr. WEEKS. The appropriation is now four millions of dollars, in round figures. The receipts are one and a half millions. Those receipts go into the Treasury, and it thus leaves a net appropriation of two and a half millions, which comes out of the Treasury this year. If a million of that were taken, it would require three and a half million to come out of the Treasury, but the gross appropriation would not be any larger. It would simply mean that the amount which would come from the Treasury other than receipts from the Forestry Service would be a million dollars greater.

Mr. REEDER. The receipts from the Forestry Service would be a million dollars less, surely. You can not have the money and spend it, too.

Mr. WEEKS. Mr. Speaker, if I have not explained it, I can not.

Section 8 provides for the method of purchase, and stipulates that lands shall not be taken over and paid for until the legislature of the State in which they are located has provided legislation consenting to the acquisition of such lands by the United States for the purpose of preserving the navigability of navigable streams.

Section 9 provides that lands shall not be taken over until the title to the lands has been approved by the Attorney-General of the United States.

Section 10. In many cases there are large tracts of heavily timbered lands, the purchase of which would entail such a large expenditure of money that the appropriation would cover comparatively little territory. In order to obviate the necessity of the purchase of this timber, section 10 provides a method by which the United States can take over the title to the land, excepting the minerals and merchantable timber, which may be reserved by the owner and removed by him under restrictions and stipulations provided by the department. This will apparently answer the purpose of purchase and at the same time enable the spreading over a much larger area of the appropriations made.

As it is not the purpose of this act to purchase lands which may be valuable for agricultural purposes, but only those lands which are unfit for any other purpose than forestry, except in unusual cases, section 11 provides a method of disposing of agricultural lands which may be acquired either by inadvertence or through necessity in purchasing a large area.

As it is not intended to change the jurisdiction, either civil or criminal, over persons upon the lands acquired under this act, other than offenders against the United States, section 13 provides that this jurisdiction shall not be affected or changed, the purpose of this section being that the State in which the land is situated shall continue its jurisdiction, and that the inhabitants shall retain all their rights and privileges as citizens, and not be absolved from their duty as citizens of the State.

Section 14 carries out the present application of moneys obtained as receipts from the Forestry Service; that is, it divides the receipts into four parts, three-fourths of which shall go into the Treasury of the United States as a general fund and one-fourth shall be paid to the State in which the lands are situated, the purpose being that the revenues of the State and locality where these lands are situated shall not be decreased on account of their taking over by the General Government.

DEMAND FOR FORESTRY LEGISLATION.

The demand for the protection of forests, and the connection which they have with river flow, has been expressed in so many different ways, at so many different times, and by so many different interests that it is impossible to even give a list of them; but it is worth while to call attention to an important hearing before the Agricultural Committee of the House of Representatives in the winter of 1908, at which hearing there appeared representatives of the National Board of Trade; of the Massachusetts Institute of Technology; of the National Association of Cotton Manufacturers; of the American Institute of Electrical Engineers; of many power development companies; of the Arkwright Club, which represents a majority of the cotton manufacturers of New England; of the American Society of Electrical Engineers; the governor of Georgia; the governor of New Hampshire; and representatives of a large number of business associations of a somewhat less, but great local, importance. Representatives from 20 States appeared at this hearing. Among the resolutions which have been presented to Congress at different times, requesting the immediate establishment of reservations, especially in the White and Appalachian Mountains, are those from the National Board of Trade, the Convention for the Extension of Foreign commerce, the National Wholesale Lumber Dealers' Association, the American Paper and Pulp Association, the National Slack Cooperage Manufacturers' Association, the American Forest Congress, the American

Institute of Electrical Engineers, the American Society of Civil Engineers, the National Association of Carriage Builders and Furniture Manufacturers, the American Forestry Association, the National Federation of Women's Clubs, the American Civic Association, the Appalachian National Park Association, the American Association for the Advancement of Science, the National Association of Cotton Manufacturers, resolutions from many state legislatures, and an endless number from State and city boards of trade, fruit and produce exchanges, agricultural societies, power companies, universities, and municipal and local bodies.

RECOMMENDATIONS BY GOVERNMENT OFFICIALS AND COMMISSIONS.

January 3, 1901, in a report to the President, the Secretary of Agriculture recommended the purchase of lands in the Appalachian Range, this report being based on investigations made by the Geological Survey and the Forestry Bureau, and, in the language of the Secretary, the recommendation of purchase was made for the following reasons:

The rapid consumption of our timber supplies, the extensive destruction of our forests by fire, and the resulting increase in the irregularity of the flow of water in important streams have served to develop among the people of this country an interest in forest problems which is one of the marked features of the close of the century. In response to this growing interest, the Government has set aside in the western forest reserves an area of more than 70,000 square miles. There is not a single government forest reserve in the East.

In President Roosevelt's first message to Congress, in 1901, he referred to this question in the following language:

The wise administration of the forest reserves will be not less helpful to the interests which depend on water than to those which depend on wood and grass. The water supply itself depends upon the forest. In the arid region it is water, not land, which measures production. The western half of the United States would sustain a population greater than that of our whole country to-day if the waters that now run to waste were saved and used for irrigation. The forest and water problems are perhaps the most vital internal questions of the United States.

The forests are natural reservoirs. By restraining the streams in flood and replenishing them in drought they make possible the use of waters otherwise wasted. They prevent the soil from washing, and so protect the storage reservoirs from filling up with silt. Forest conservation is, therefore, an essential condition of water conservation.

The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargement of our present policy of river control, under which levees are built on the lower reaches of the same streams.

The Government should construct and maintain these reservoirs as it does other public works. Where their purpose is to regulate the flow of streams, the water should be turned freely into the channel in the dry season, to take the same course under the same laws as the natural flow.

In his annual message to Congress December 2, 1902, the President once more refers to this subject, as follows:

Few subjects of more importance have been taken up by the Congress in recent years than the inauguration of the system of nationally aided irrigation for the arid regions of the Far West. A good beginning therein has been made. Now that this policy of national irrigation has been adopted, the need of thorough and scientific forest protection will grow more rapidly than ever throughout the public-land States.

In his annual message to Congress December 7, 1903, President Roosevelt uses this language:

The study of the opportunities of reclamation of the vast extent of arid land shows that whether this reclamation is done by individuals, corporations, or the State, the sources of water supply must be effectively protected and the reservoirs guarded by the preservation of the forests at the headwaters of the streams. The engineers making the preliminary examinations continually emphasize this need, and urge that the remaining public lands at the headwaters of the important streams of the West be reserved to insure permanency of water supply for irrigation. Much progress in forestry has been made during the past year. The necessity for perpetuating our forest resources, whether in public or private hands, is recognized now as never before. The demand for forest reserves has become insistent in the West, because the West must use the water, wood, and summer range which only such reserves can supply. Progressive lumbermen are striving, through forestry, to give their business permanence. Other great business interests are awakening to the need of forest preservation as a business matter. The Government's forest work should receive from the Congress hearty support, and especially support adequate for the protection of the forest reserves against fire. The forest-reserve policy of the Government has passed beyond the experimental stage and has reached a condition where scientific methods are essential to its successful prosecution.

In his annual message to Congress December 6, 1904, President Roosevelt refers to this subject in the following words:

They are of special importance because they preserve the water supply and the supply of timber for domestic purposes, and so promote settlement under the reclamation act. Indeed, they are essential to the welfare of every one of the great interests of the West.

Forest reserves are created for two principal purposes. The first is to preserve the water supply.

The second reason for which forest reserves are created is to preserve the timber supply for various classes of wood users.

In his annual message to Congress December 3, 1906, the President uses the following language:

Much is now being done for the States of the Rocky Mountains and Great Plains through the development of the national policy of irrigation and forest preservation; no government policy for the betterment of our internal conditions has been more fruitful of good than this. The forests of the White Mountains and Southern Appalachian regions should also be preserved; and they can not be unless the people of the States in which they lie, through their representatives in the Congress, secure vigorous action by the National Government.

December 3, 1907, the President again referred to this subject, using the following language:

The government dams should be used to produce hundreds of thousands of horsepower as an incident to improving navigation, for the annual value of the unused water power of the United States perhaps exceeds the annual value of the products of all our mines. As an incident to creating the deep waterway down the Mississippi, the Government should build along its whole lower length levees which, taken together with the control of the headwaters, will at once and forever put a complete stop to all threat of floods in the immensely fertile delta region.

But there are certain other forms of waste which could be entirely stopped—the waste of soil by washing, for instance, which is among the most dangerous of all wastes now in progress in the United States, is easily preventable, so that this present enormous loss of fertility is entirely unnecessary. The preservation or replacement of the forests is one of the most important means of preventing this loss. We have made a beginning in forest preservation, but it is only a beginning. At present lumbering is the fourth greatest industry in the United States; and yet, so rapid has been the rate of exhaustion of timber in the United States in the past, and so rapidly is the remainder being exhausted, that the country is unquestionably on the verge of a timber famine which will be felt in every household in the land.

The only trouble with the movement for the preservation of our forests is that it has not gone nearly far enough and was not begun soon enough. It is a most fortunate thing, however, that we began it when we did. We should acquire in the Appalachian and White Mountain regions all the forest lands that it is possible to acquire for the use of the Nation. These lands, because they form a national asset, are as emphatically national as the rivers which they feed, and which flow through so many States before they reach the ocean.

December 8, 1908, the President refers to the subject in the following language:

If there is any one duty which more than another we owe it to our children and our children's children to perform at once, it is to save the forests of this country, for they constitute the first and most important element in the conservation of the natural resources of the country.

There are small sections of our own country, in the East and in the West, in the Adirondacks, the White Mountains, and the Appalachians, and in the Rocky Mountains, where we can already see for ourselves the damage in the shape of permanent injury to the soil and the river systems which comes from reckless deforestation.

In May, 1908, a conference was called by the President of governors of States and Territories, to consider conservation of our natural resources, and, in addition to the governors, there were present at this conference members of the Cabinet, justices of the courts, and other officials, as well as many distinguished men in other walks of life. This conference, therefore, represented every State and Territory, and, as the governors were accompanied in almost every instance by specialists in natural productions, it may be said that it emphasized to an unusual degree the prevailing belief that practical methods of conservation should be adopted. In the declaration adopted at this conference, in referring to the natural resources this language was used:

We declare our firm conviction that this conservation of our natural resources is a subject of transcendent importance, which should engage unremittently the attention of the Nation, the States, and the people in earnest cooperation. These natural resources include the land on which we live and which yields our food; the living waters which fertilize the soil, supply power, and form great avenues of commerce; the forests which yield the materials for our homes, prevent erosion of the soil, and conserve the navigation and other uses of the streams; and the minerals which form the basis of our industrial life, and supply us with heat, light, and power.

We agree that the land should be so used that erosion and soil wash shall cease; and that there should be reclamation of arid and semiarid regions by means of irrigation, and of swamp and overflowed regions by means of drainage; that the waters should be so conserved and used as to promote navigation, to enable the arid regions to be reclaimed by irrigation, and to develop power in the interests of the people; that the forests which regulate our rivers, support our industries, and promote the fertility and productiveness of the soil should be preserved and perpetuated; that the minerals found so abundantly beneath the surface should be so used as to prolong their utility; that the beauty, healthfulness, and habitability of our country should be preserved and increased; that sources of national wealth exist for the benefit of the people, and that monopoly thereof should not be tolerated.

We declare the conviction that in the use of the national resources our independent States are interdependent and bound together by ties of mutual benefits, responsibilities, and duties.

We urge the continuation and extension of forest policies adapted to secure the husbanding and renewal of our diminishing timber supply, the prevention of soil erosion, the protection of headwaters, and the maintenance of the purity and navigability of our streams. We recognize that the private ownership of forest lands entails responsibilities in the interests of all the people, and we favor the enactment of laws looking to the protection and replacement of privately owned forests.

We recognize in our waters a most valuable asset of the people of the United States, and we recommend the enactment of laws looking to the conservation of water resources for irrigation, water supply, power, and navigation, to the end that navigable and source streams may be brought under complete control and fully utilized for every purpose. We especially urge on the Federal Congress the immediate adoption of a wise, active, and thorough waterway policy, providing for the prompt improvement of our streams and the conservation of their watersheds required for the uses of commerce and the protection of the interests of our people.

January 22, 1909, the President sent to Congress a message, transmitting a report of the National Conservation Commission, in which the following language was used:

We know now that our rivers can and should be made to serve our people effectively in transportation, but that the vast expenditures for our waterways have not resulted in maintaining, much less in promot-

ing, inland navigation. Therefore, let us take immediate steps to ascertain the reasons and to prepare and adopt a comprehensive plan for inland-waterway navigation that will result in giving the people the benefits for which they have paid but which they have not yet received. We know now that our forests are fast disappearing, that less than one-fifth of them are being conserved, and that no good purpose can be met by failing to provide the relatively small sums needed for the protection, use, and improvement of all forests still owned by the Government, and to enact laws to check the wasteful destruction of the forests in private hands. There are differences of opinion as to many public questions; but the American people stand nearly as a unit for waterway development and for forest protection.

I especially commend to the Congress the facts presented by the commission as to the relation between forests and stream flow in its bearing upon the importance of the forest lands in national ownership. Without an understanding of this intimate relation the conservation of both these natural resources must largely fail.

From the report of the National Conservation Commission itself, forwarded in this message, the following references to waters and forests are found:

The first requisite for waterway improvement is the control of the waters in such manner as to reduce floods and regulate the regimen of the navigable rivers. The second requisite is development of terminals and connections in such manner as to regulate commerce.

Forests in private ownership can not be conserved unless they are protected from fire. We need good fire laws, well enforced. Fire control is impossible without an adequate force of men whose sole duty is fire patrol during the dangerous season.

The conservation of our mountain forests, as in the Appalachian system, is a national necessity. These forests are required to aid in the regulation of streams used for navigation and other purposes. The conservation of these forests is impracticable through private enterprise alone, by any State alone, or by the Federal Government alone. Effective and immediate cooperation between these three agencies is essential. Federal ownership of limited protective areas upon important watersheds, effective state fire patrol, and the cooperation of private forest owners are all required.

There are in continental United States 282 streams navigated for an aggregate of 26,115 miles, and as much more navigable if improved. There are also 45 canals, aggregating 2,189 miles, besides numerous abandoned canals. Except through forestry in recent years, together with a few reservoirs and canal locks and movable dams, there has been little effort to control headwaters or catchment areas in the interests of navigation, and none of our rivers are navigated to more than a small fraction even of their effective low-water capacity.

The practical utility of streams for both navigation and power is measured by the effective low-water stage. The volume carried when the streams rise above this stage is largely wasted and often does serious damage. The direct yearly damage by floods since 1900 has increased steadily from \$45,000,000 to over \$238,000,000.

The freshets are attended by destructive soil erosion. The soil matter annually carried into lower rivers and harbors or into the sea is computed at 780,000,000 tons. Soil wash reduces by 10 or 20 per cent the productivity of upland farms and increases channel cutting and bar building in the rivers. The annual loss to the farms alone is fully \$500,000,000, and large losses follow the fouling of the waters and the diminished navigability of the streams.

It is now recognized by statesmen and experts that navigation is interdependent with other uses of the streams; that each stream is essentially a unit from its source to the sea; and that the benefits of a comprehensive system of waterway improvement will extend to all the people in the several sections and States of the country.

The first requisite for waterway improvement is the control of the waters in such manner as to reduce floods and regulate the regimen of the navigable rivers. The second requisite is development of terminals and connections in such manner as to regulate commerce.

In forwarding to Congress, February 26, 1908, the Report of the Inland Waterways Commission, the President of the United States used the following language:

The report rests throughout on the fundamental conception that every waterway should be made to serve the people as largely and in as many different ways as possible. It is poor business to develop a river for navigation in such a way as to prevent its use for power, when by a little foresight it could be made to serve both purposes. We can not afford needlessly to sacrifice power to irrigation, or irrigation to domestic water supply, when by taking thought we may have all three. Every stream should be used to the utmost. No stream can be so used unless such use is planned for in advance. When such plans are made we shall find that, instead of interfering, one use can often be made to assist another. Each river system, from its headwaters in the forest to its mouth on the coast, is a single unit and should be treated as such. Navigation of the lower reaches of a stream can not be fully developed without the control of floods and low waters by storage and drainage. Navigable channels are directly concerned with the protection of source waters and with soil erosion, which takes the materials for bars and shoals from the richest portions of our farms. The uses of a stream for domestic and municipal water supply, for power, and in many cases for irrigation, must also be taken into full account.

Forest protection, without which river improvement can not be permanent, will at the same time help to postpone the threatened timber famine, and will secure us against a total dearth of timber by providing for the perpetuation of the remaining woodlands. Irrigation will create the means of livelihood for millions of people, and supplies of pure water will powerfully promote the public health. If the policy of waterway improvement here recommended is carried out, it will affect for good every citizen of the Republic. The National Government must play the leading part in securing the largest possible use of our waterways; other agencies can assist and should assist, but the work is essentially national in its scope.

In the report the following arguments in favor of forestry and conservation of water power are made:

Engineering works designed to improve navigation affect favorably the regimen of the streams, including floods and low waters. The annual floods of the United States occasion loss of property reaching many millions of dollars with considerable loss of life, while the low water of late summer involves large loss in diminished water supply, in reduced power, and in the fouling of streams, with consequent disease and death. It has been claimed that in specific cases the cost of works required both to control floods and meet the needs of commerce would be

less than the amount of this loss. It is desirable that more detailed information be collected concerning the effects of floods and low waters and their prevention by engineering works and other devices.

The annual soil wash in mainland United States is estimated at about 1,000,000,000 tons, of which the greater part is the most valuable portion of the soil; it is carried into the rivers, where it pollutes the waters, necessitates frequent and costly dredging, and reduces the efficiency of works designed to facilitate navigation and afford protection from floods.

Both the regimen of streams and the purity and clarity of waters are affected by forests and other natural growth, and by farming, mining, and other industrial operations over the watersheds in which they gather. Millions of acres in mainland United States have been deforested unnecessarily, and the floods and low waters ascribed to this cause have in some localities occasioned losses commensurate with the value of the timber. Means should be devised and applied for coordinating forestry, farming, mining, and related industries with the uses of streams for commerce and for other purposes.

The effect of wide variations in the level of navigable streams is to render difficult the establishment of necessary terminals for the handling of traffic, and thus to interfere seriously with the utilization of our inland waterways. The prevention or mitigation of such variations would be most helpful to the revival of river traffic, and means to this end should be adopted in plans for waterway improvement, and in the acquisition of and the prevention of the needless destruction of forests, whose preservation is a public necessity for stream control, for timber supply, and for other purposes.

National platforms are, generally speaking, the crystallization of public sentiment as it exists at the time of the convention. Last summer both of the great national parties held conventions, and both referred to the question under consideration to-day. The Republican platform referred to this subject as follows:

We endorse the movement inaugurated by the administration for the conservation of natural resources, we approve all measures to prevent the waste of timber, we commend the work now going on for the reclamation of arid lands, and reaffirm the Republican policy of free distribution of the available areas of the public domain to the landless settler. No obligation of the future is more insistent, and none will result in greater blessings to posterity.

The Democratic platform, adopted July 10, 1908, referred to natural resources in the following phraseology:

We repeat the demand for internal development and for the conservation of our natural resources contained in previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party; and to that end we insist upon the preservation, protection, and replacement of needed forests, the preservation of the public domain for home seekers, the protection of the natural resources in timber, coal, iron, and oil against monopolistic control, the development of our waterways for navigation and other useful purposes.

WHAT OTHER NATIONS ARE DOING.

We are not in an advanced position in forestry; in fact, we have neglected this resource and have done very little compared with what is being accomplished by other nations. Practically every first-class country has already a well-developed forest policy. Some of them date back many years; in a few cases several centuries. Not only have the great nations of the earth forest reserves which they are protecting and making profitable—at least twelve countries obtaining at this time a net revenue from their forest holdings—but several countries have commenced to purchase lands, not only for the purpose of conserving water flow, but to prevent erosion and to get the benefit of the natural increment which their experience justifies them in expecting.

Austria, between 1885 and 1898, purchased 350,000 acres of forest lands. Up to 1902 Switzerland had expended \$500,000 in purchasing forests. France has expended five millions in purchasing 400,000 acres of forest lands, and the French have arranged for expenditures which in the end will aggregate forty millions to complete their present scheme of purchase and reforestation. In their reforestation work, up to this time, one-third of the cost has been for land.

In the last thirty years Sweden has purchased 600,000 acres, at an average cost of \$5.30 per acre. Most of this purchase has been waste land, and has been made for the purpose of reforestation. And it should be noted that Sweden is one of the greatest exporters of forest products among the nations of the world.

Since 1860 Norway has systematically purchased forest lands. Recently it has appropriated from fifteen to twenty thousand annually for this purpose. Most of these lands are cut-over lands, which are protected by the Government or reforested, as necessities may develop.

Great Britain, which has the smallest percentage of its territory in forests, as compared with other countries of the world, has recently had a special commission examining the desirability of developing for forestry areas of land not useful for agricultural purposes, the result of this being a report by this commission recommending the purchase and forestation of 9,000,000 acres. The commission develops a complete scheme for carrying out this work, proposing that 150,000 acres a year for sixty years shall be afforested, at an annual cost which will begin at \$450,000 and increase to fifteen millions at the end of the period. The commission estimates that after the fortieth year the forests will be self-supporting, and when the project is completed that they will have a value of more than \$500,000,000 in excess

of the cost of producing them and will yield a net annual revenue of nearly \$10 per acre from land which is now producing less than 50 cents per acre.^a There are other reasons, however, which influenced the commission to recommend this project,

^a This report has been received with every evidence of approval by all classes and has the nearly unanimous indorsement of the press, so that there is every reason to expect its adoption.

among them the fact that it will furnish employment for a large number of people and that it will not bring the country into competition with any private industry.

In order to show, in figures, what other nations are doing, I append to this address a statement showing the acreage of forests, the character of the ownership, the cost and results of cultivation, and so forth.

Country.	Ownership of forests.												Cost and product.			Regulation of private forests.		
	Total forest area.	Percentage of total land area.	Per capita forest.	State.	Crown.	Communities.	Corporations.	Institutions.	Associations.	Private.	Exports (net).	Imports (net).	Expense per acre.	Net yield per acre.	Wood yield per acre.	Protection.	Non-protection.	Per capita wood consumption.
	<i>Acres.</i>	<i>Per ct.</i>	<i>Acres.</i>	<i>Per ct.</i>	<i>Per ct.</i>	<i>Per ct.</i>	<i>Per ct.</i>	<i>P. ct.</i>	<i>P. ct.</i>	<i>P. ct.</i>	<i>Tons.</i>	<i>Tons.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Cu. ft.</i>			
Germany	34,585,375	25.9	0.61	33.9	1.8	16.1	.....	1.5	2.2	46.5	.....	4,600,000	2.17	2.40	38.58	Yes.	Yes.	40.
Prussia	10,436,240	23.7	.59	30.9	.9	13.3	.....	1.2	2.9	50.8	.....	.....	1.61	2.50	65.00	Yes.	Yes.	
Saxony	430,000	25.8	.98	45.2	.....	6.0	.....	2.6	.2	46.0	.....	.....	3.00	5.30	93.00	Yes.	Yes.	
France	23,744,703	18.2	.61	12.0	.....	.....	.....	.....	.....	.....	.....	1,230,000	.95	1.75	39.87	Yes.	No.	25
Switzerland	2,120,195	20.6	.66	4.6	.....	66.9	.....	.....	.....	28.5	.....	170,000	1.50-7	3-9	50.00	Yes.	Yes.	38
Austria	24,135,136	32.5	.91	7.3	.....	.....	.....	.....	.....	92.7	3,670,000	.....	.56	.21	42.87	Yes.	No.	57
Hungary	22,291,115	28.0	1.16	15.2	.....	.....	20.0	7.5	.....	47.3	.....	.....	.34	.32	51.44	No.	No.	128
Norway	16,348,731	21.0	7.53	28.5	.....	.....	4.6	.....	.....	66.9	1,040,000	.....	.....	.....	20.43	No.	No.	
Sweden	48,411,124	4.6	.94	33.2	.....	.....	5.5	.....	.....	61.3	4,460,000	.....	.2	.09	19.29	No.	No.	140
Denmark	590,000	67.3	24.1	23.8	.....	.....	.....	.....	.....	.....	.....	470,000	.....	.....	.....	No.	No.	.....
Russia:																		
European	5575,000,000	39.0	3.91	66.4	.....	.....	.....	.....	.....	33.6	5,900,000	.....	.01	.06	5.14	Yes.	Yes.	90
Asiatic	350,000,000	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6.28	.....	.....	.....
Finland	50,000,000	63.0	18.53	35.0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	20.00	No.	No.	90
India (British)	149,000,000	24.0	1.92	9.5	.....	.....	.....	.....	.....	.....	55,000	.....	.....	.23	.....	No.	No.	1
Japan	138,928,640	59.0	.91	56.8	9.10	7.5	.....	b .7	.....	25.9	.....	5,000	.13	.24	35.60	No.	No.	43
Canada:																		
Commercial	260,000,000	.....	48.4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	46.58	.....	.....	188
Total	800,000,000	34.0	149.0	25.0	.....	.....	.....	.....	.....	.....	2,144,000	.....	.....	.....	.....	.....	.....	.....
Roumania	6,293,297	18.0	.....	40.0	.....	8.0	.....	.....	.....	52.0	60,000	.....	.....	.....	.....	.....	(c)	13
Italy	10,318,891	14.6	.32	4.0	.....	43.0	.....	.....	.....	53.0	.....	420,000	.....	.33	19.57	.....	(c)	.....
Spain	20,964,727	16.9	1.13	84.0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Turkey .....	.....	20.0	1.72	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
United States	650,000,000	28.0	7.73	25.0	.....	.....	.....	.....	.....	75.0	.....	.....	.0093	.00086	.....	.....	.....	d 235

^a Russian and Siberian forests together=1,925,000,000 acres=9 acres per capita.
^b Shrines and temples.

^c No figures.
^d Assuming total cut=20,000,000,000 cubic feet.

ITALY.

In almost every country where forestry has been exploited the forests are divided into two classes: Protective forests—that is, forests around the headwaters of streams and on steep mountain slopes; and available forests—that is, forests which are developed for the financial results obtained. This is the case in Italy, where a general forestry law was passed in 1877. This law rigidly protects certain portions of the forests on the higher parts of the mountains, but where it is debatable whether the land should be forested or devoted to agriculture the law is very liberal, the purpose being to protect the steeper mountains from landslides, to protect the headwaters of streams, and to use that area which is not valuable for other purposes in developing forests. This law, however, has not been sufficient to prevent destruction of certain forests on lands which were not useful for agriculture, therefore producing, by the removal of the woods, an area of unproductive land. A recent commission appointed in Italy recommends that at least 500,000 acres should be replanted at once, at a cost of not less than twelve millions, to prevent destructive torrents brought on by destroying timber on the hillsides. Complaint had been made in Italy that it was too expensive to enforce her forest laws, but the result has been that it has been determined that it is more expensive to leave them unenforced.

RUSSIA.

The devastation of the forest and its evil consequences on water flow and soil conditions has been especially felt in the southern districts adjoining the steppes, and these experiences were the immediate cause of the enactment of the forest law which governs all European Russia. This law establishes as protective forests, to be managed under special plans prescribed by the forest department, those which protect the slopes of mountains, where they serve to prevent erosion, landslides, and avalanches.

M. Lokhtine, in discussing forest and water conditions in central Russia at the International Congress of Navigation, held at Milan in 1905, said:

The cases of the suppression of water mills are frequent and sudden in Russia, where they form an important industry. Having myself a mill of this sort on my own property, and being interested in the industry, I gathered data in our neighborhood, situated in the Kazan Government, celebrated formerly for its forests of oaks and lindens. I counted on the tributaries of the Sviyaga as many as 70 mills which used to be there in the past and constantly at work. Less than half now remain, and even they run with only half the stones and lie idle

for a certain time during the summer for lack of water. These little rivers become converted into impetuous torrents in the spring and break the dams with such violence that many millers gave up wrestling with this element let loose, which brought them only loss. They abandoned their mills entirely, the ruins of which, still standing, may serve as the answer in fact to the question of the consequences of the destruction of forests on rivers.

FRANCE.

France has not quite 18 per cent of forest—three-fifths of an acre per capita. This is enough to produce only one-third of the home demand. The country imports annually \$30,000,000 worth of wood, and pays \$6,000,000 duty and \$10,000,000 freight for it. Of the 23,500,000 acres of French forests, the state owns 2,707,000 and the departments and communes 3,472,000. Since 1827, when the forest code was passed, the state and communal forests have been under management. The state forests yield a clear profit of \$4,737,250 a year, or \$1.75 per acre; 95 cents is spent for the management of each acre every year.

The great achievement of France in forestry has been the establishment of protective forests where much destruction had been caused by floods and winds. From various causes large areas were cleared of forests toward the close of the eighteenth century, and only when it was too late was it realized that these lands were not fit for agriculture and should have been left in forest. To repair the mistake, a movement to reforest began in the nineteenth century. It was an exceedingly expensive mistake. Down to the present time, encouraged by wise laws, the state, the communes, and private landowners have restored to forest over 2,500,000 acres, and so saved them from ruin. In addition, the resulting forests return an excellent revenue.

Two-thirds of the torrents of Europe are in France. In the Alps, the Cevennes, and the Pyrenees mountains there are 1,462 brooks and mountain streams which are considered dangerous. Nearly 1,000,000 acres of mountain slopes are exposed to erosion by these streams, to say nothing of the flat land below.

As far back as the sixteenth century there were local restrictions against clearing mountain sides, enforced by fines, confiscation, and corporal punishment. In the main these prevented ruinous stripping of hillsides, but with the French Revolution these restrictions were swept aside and the mountains were cleared at such a rate that disastrous effects were felt within ten years. By 1803 the people had become aroused to the folly of this cutting. Where useful brooks had been there now rushed torrents which flooded the fertile fields and covered them with sterile soil washed down from the mountains. The clearing

continued unchecked until some 800,000 acres of farm land had been ruined or seriously injured and the population of 18 Departments had been reduced to poverty and forced to emigrate. By 1860 the State took up the problem, but in such a way that the burden of expense for reforestation was thrown upon the mountaineers, who, moreover, were deprived of much pasturage. Complaints naturally arose. An attempt was made to check torrents by sodding instead of by forest planting. This, however, proved a failure, and recourse was again had to planting, by the law of 1882, which provides that the State shall bear the costs. Since then the excellent results of planting have completely changed public sentiment. The mountaineers are most eager to have the work go on and are ready to offer their land for nothing to the forest department. In addition to lands secured by gift, the State acquires 25,000 or 30,000 acres a year. Over 500,000 acres have been acquired, and more than one-half of this area has been planted. Already 163 of the torrents have been entirely controlled and 654 are beginning to show the controlling effects of the forest on their watersheds. Thirty-one of the torrents now entirely controlled were considered hopelessly bad half a century ago.

In France, then, forestry has decreased the danger from floods, which threatened to destroy vast areas of fertile farms, and in doing so has added many millions of dollars to the national wealth in new forests. It has removed the danger from sand dunes, and in their place has created a property worth many millions of dollars. Applied to the state forests, which are small in comparison with the national forests of this country, it causes them to yield each year a net revenue of more than \$4,700,000, though the sum spent on each acre for management is over 100 times greater than that spent on the forests of the United States.

France, as well as Austria, in the organization of her forestry department has officially recognized the relation of rivers to forests by the creation of a bureau of rivers and forests, at the head of which is Mr. H. N. Lafosse, who has amply defended the beneficial action of forests to stream flow, in a paper presented at the Tenth International Navigation Congress, held at Milan in 1905.

SWITZERLAND.

In Switzerland, which has 2,000,000 acres, or 20.6 per cent of its area, in forest, the communal forests are the largest, and make up 67 per cent of the total; the Cantons own 4.5 per cent and private persons own 28.6 per cent. The communal holdings are constantly growing by the purchase of private lands. From \$6,000,000 to \$8,000,000 worth of wood (300,000 tons) and wooden ware are annually imported.

The expenditures in forest management vary greatly among the cantons, ranging from \$1.50 to \$7 per acre. The net annual returns range from \$3 per acre in the forests where least is expended, to \$8 or \$9 per acre in the city forests, where most is expended.

Forest regulations came very early in Switzerland. The first forest ordinance of Berne was issued six hundred years ago. The city forest of Zürich, famous as the Sihlwald, has been managed under a working plan since 1680, and is to-day one of the most perfectly managed and most profitable forests in the world. It yields, on the average, a clear annual profit of \$12 an acre.

All the Swiss forests comprised in the Bund are now classified as protection and nonprotection forests. Whether public or private, they are all controlled by the Government. In protection forests all cuttings must be such as to preserve the protective value of the forest cover intact, and for this reason clean cutting is usually forbidden. In such forests stumpage sales are forbidden, and all wood must be felled and measured under the direction of a forest officer. Otherwise privately owned protection forests are supervised in the main as are those publicly owned. Nonprotection forests are also subject to a number of regulations. When they are in private hands clearings may be made only with consent of the Canton, logged areas must be reforested within three years, and existing forest pastures must be maintained.

Where protection forests can be created by planting, this may be ordered, and where forests are converted to farming land or pasture an equal area may be ordered reforested. Where barren ground is required to be forested for protective purposes the Bund assists by paying from 30 to 50 per cent of the cost. Between 1876 and 1902 16,000 acres were reforested at a cost of \$1,000,000, in round numbers, the Bund having paid one-half.

The protection forests are those which are located at headwaters or furnish protection against snowslides, landslides, and rock falls, floods, and climatic damage. It was not until the

coming of serious floods in 1830 that the value of forest as a protective cover was fully realized. These floods made it clear that the Government must be clothed with authority over the mountain forests. Since this time effective measures have been introduced, clearing has been prohibited, and cutting must conform to the objects of the forest.

AUSTRIA AND HUNGARY.

AUSTRIA.

In Austria, which has been independent of the German Federation only since 1866, forestry has, in the main, followed German lines. Austria-Hungary is one of the largest exporters of wood, and the yearly exportations reach 3,670,000 tons. Thirty-two per cent of the land area of Austria is under forest.

The total net revenue from the Austrian state forests is over \$5,000,000. The net yearly revenue per acre of 21 cents is comparatively low, due mainly to the facts that only 56 cents per acre is expended upon the forest and that most of the area is located in the rugged Alps and Carpathians, where administration and logging are costly. The state forests lie chiefly above 2,000 feet elevation.

The present forest department was started in 1872 in response to a popular outcry against the policy of selling state lands. The administration was reorganized in 1904, and now has three departments—administration proper, reforestation and the correction of torrents, and forest protection.

Forestry is successfully practiced on 60 per cent of all the Austrian forests and on 82 per cent of the private forests, and excellent results have been secured by cooperation between the State and private persons in forest management, particularly under the law of 1883. The most conspicuous fruit of Austrian forestry, however, is the reforestation of the "Karst." The Karst was a stretch of barren lands in the hilly country of Istria, Trieste, Dalmatia, Montenegro, and neighboring territory along the shores of the Adriatic Sea. It comprised some 600,000 acres. For centuries it had furnished the ship timbers and other wood supplies of Venice, but excessive cutting, together with burning and pasturing, the evil results of clearing, and the natural condition of the land, had left it a waste almost beyond recovery. Many laws had been passed from time to time to stop the forest havoc, but without real effect till 1865. In that year the Government, persuaded by the forestry association, began to offer help to landowners who would undertake forest planting. Taxes were remitted for periods of years, technical advice was given, and plant material, as well as money, was supplied. Further laws were found necessary in 1882 and 1887 to meet the objections of stockmen. At the present time over 400,000 acres, or two-thirds of the Karst, have been brought under forest, in part by planting, at a cost of from \$8 to \$10 an acre, in part by protection and the natural recuperation so made possible.

This work has been carried on under the direction of the "forest protective service," which was first created for Tyrol in 1856 as a result of floods in the Tyrolean Alps in 1851, and was later (1871-1874) extended to the rest of the Empire. This service, which is distinct from the state forest administration, has also been especially helpful in encouraging private forestry. Though at first regarded with hostility, it is now held in high regard on the strength of the work it has done and is doing.

Harmony of interest between the State and private forest owners, which the whole Austrian forest policy favors, is notably secured by the encouragement of the wood export trade through such provisions as reduced freight rates, the absence of export duties, and moderate forest taxation.

A "reboisement" or reforestation law, based on that of France, was passed in 1884, to control torrents. This law carries an annual appropriation of \$100,000, and the planting work, like that on the lands of the Karst, is carried on under the direction of the "protective service." For the regulation of the lower rivers \$1,350,000 was appropriated at the same time, and of this sum \$400,000 has been successfully expended on reforestation.

HUNGARY.

Hungary has 23,000,000 acres of forest (28 per cent of the total land area), of which the State owns 16 per cent; corporations, 20 per cent; churches, cloisters, and other institutions, 7.5 per cent; and private persons the remainder. From \$10,000,000 to \$12,000,000 worth of wood is annually exported.

About half of all the Hungarian forests are under working plans, by which the cut is regulated so as to provide for a sustained yield, and the present annual cut of 1,000,000,000 cubic feet is believed to be considerably less than the wood actually produced. The State forests yield \$600,000 net annual revenue.

The management of all corporation and protection forests has been supervised by the Government since 1879, and all so-

called "absolute forest land," in other words, land unfit for farming, must be reforested within six years after it is cleared. Three-fourths of all the forest land of Hungary, including private as well as public forests, falls under the classification of absolute forest land. Moreover, all mountain forests are required to be managed under state working plans. Two-thirds of all the Hungarian forests are brought under this sort of state supervision. Forest planting is encouraged by state nurseries, at which 10,000,000 seedlings are raised every year for free distribution, and by bounties paid for forest plantation established on private waste lands.

Mountain forests, which are classed as protection forests, must be managed according to working plans approved by the forest department.

GERMANY.

The German Empire has nearly 35,000,000 acres of forest, of which 31.9 per cent belongs to the State, 1.8 per cent to the Crown, 16.1 per cent to communities, 46.5 per cent to private persons, 1.6 per cent to corporations, and the remainder to institutions and associations. There is a little over three-fifths of an acre of forest for each citizen, and though 53 cubic feet of wood to the acre is produced in a year, wood imports have increasingly exceeded wood exports for over forty years, and 300,000,000 cubic feet, valued at \$80,000,000, or over one-sixth of the home consumption is now imported each year.

Like other advanced European countries, Germany felt the pinch of wood shortage a hundred and fifty years ago, and though this shortage was relieved by the coming of the railroads, which opened up new forests, and by the use of coal, which substituted a new fuel for wood, the warning was heeded, and systematic state forestry was begun. After all, the scare was not a false one, for even to-day Germany is not independent as regards wood, since she has to import one-sixth of all she uses.

In addition to the wood-supply question, Germany was forced to undertake forestry by the need of protecting agriculture and stream flow. The troubles which France was having with her mountain torrents opened the eyes of the Germans to the dangers from floods in their own land. As a result the maintenance of protective forests was provided for by Bavaria in 1852, by Prussia in 1875, and by Württemberg in 1879.

The Prussian forests, covering nearly 7,000,000 acres, had been injured by mismanagement, much as our forests have been, and the Prussian foresters had to solve the problem of improving the run-down forests out of the returns from those which were still in good condition. They solved it with striking success. Immense improvement has already taken place and is steadily going on.

In 1830 the yield was 20 cubic feet per acre; in 1865, 24 cubic feet; in 1890, 52 cubic feet, and 1904, 65 cubic feet. In other words, Prussian forest management has multiplied the rate of production threefold in seventy-five years. And the quality of the product has improved with the quantity. Between 1830 and 1904 the percentage of saw timber rose from 19 per cent to 54 per cent.

It is a striking fact in this connection that in the United States at the present time we are using about three times as much timber as our forests grow. If we were everywhere practicing forestry with a resulting improvement equal to that made in Prussia, our forests would be growing as much as we use.

The financial returns in Prussia make an even better showing. Net returns per acre in 1850 were 28 cents. In 1865 they were 72 cents; in 1900, \$1.58, and in 1904, \$2.50. They are now nearly ten times what they were sixty years ago, and they are increasing more rapidly than ever.

In Saxony, which has about 430,000 acres of state forests, the increase of cut under forest management, which always means also a corresponding increase in wood produced, has been nearly as marked as in Prussia. The yield rose 55 per cent between 1820 and 1904, and is now 93 cubic feet per acre—greater than that of the Prussian forests. Since the chief wood is spruce, which yields more saw timber than the average of trees making up the Prussian forests, the increase in the percentage of saw timber in Saxony naturally exceeds the increase in Prussia. It increased from 26 per cent in 1830 to 66 per cent in 1904. The net yearly revenue is \$5.30 per acre. The yearly expense is \$3 per acre.

Bavaria has 33 per cent of its area covered by forest, of which 2,150,000 acres are state forests and under careful management.

Other German States, smaller, and with better kinds of timber and better market facilities, secure even higher returns. The forests of Württemberg yield a net annual revenue of nearly \$6 per acre, and those of several smaller administrations do even better.

A number of the private forests of Germany are managed with great success. As a result of a canvass of 15,600,000 acres of state, municipal, and private forests, it was found that the average net revenue per acre from good, bad, and indifferent land was \$2.40 a year.

What, then, has forestry done in Germany? Starting with forests which were in as bad shape as many of our own which have been recklessly cut over, it raised the average yield of wood per acre from 20 cubic feet in 1830 to 65 cubic feet in 1904. During the same period of time it trebled the proportion of saw timber got from the average cut, which means, in other words, that through the practice of forestry the timber lands of Germany are of three times better quality to-day than when no system was used. And in fifty-four years it increased the money returns from an average acre of forest sevenfold.

Yet to-day the forests are in better condition than ever before, and under the present system of management it is possible for the German foresters to say with absolute certainty that the high yield and large returns which the forests now give will be continued indefinitely into the future.

NORWAY, SWEDEN, AND DENMARK.

NORWAY.

Only 21 per cent, or 20,000,000 acres, of Norway is in forest. The State owns less than 2,000,000 acres of this. Of the forest region one-half has to import timber, one-fourth has sufficient for its needs, and one-fourth is able to export over 1,000,000 tons, valued at \$18,000,000 a year. The total annual cut, one-fifth of which is exported, is about 500,000,000 cubic feet. It exceeds by 1,500,000 cubic feet the amount of wood grown by all the forests in the same time. In other words, the cut is far too heavy to last, so that a reduction of wood exports is inevitable.

While measures were being passed to conserve the forests, the communal forests and town forests were actually being sold. It was not till the law of 1903, which went into effect in January, 1905, that a satisfactory policy was secured. In general, this requires the practice of forestry. As in Russia, provincial forest-protection committees have to approve the local felling plans. A diameter limit is set, below which trees may not be cut. Clearings are forbidden, and cleared land, unless used for other purposes, must be reforested. Pasturing is restricted where it would do harm.

In the past thirty-five years the State has increased its forest holdings by 45 per cent through the purchase and reforestation of wastes and sand dunes and by the settlement of disputed titles. The purchases amount to over 600,000 acres, for which an average price of \$5.30 an acre was paid.

The communal forests are supervised by the Government and are usually managed by the foresters with a view simply to supplying local needs. Sales outside the parishes are permitted only where there is more than enough for these needs.

SWEDEN.

Sweden has nearly 50,000,000 acres of forest, covering nearly 50 per cent of the total land area. Since the English import duties were abolished in 1806 the wood exports from Sweden have steadily increased, till now Sweden stands next to Russia, the world leader, in wood exports, with \$54,000,000 worth a year, representing nearly 4,500,000 tons.

The State owns about 13,500,000 acres, or 33.2 per cent, and controls 4,000,000 acres more. The state lands are, in the main, of lesser commercial value, and this fact, together with the existence of logging rights granted in the past, keeps the net income for the present down to 12 cents an acre. Nevertheless, since 1880 the net revenue from the state forests has risen from \$300,000 to nearly \$2,000,000 a year.

Up to five hundred years ago Sweden was overburdened by forests, but by that time cutting and wasting had gone so far that the willful setting of forest fires was forbidden. In 1638 overseers of communal forests were appointed in order to conserve supplies of wood for charcoal used in the iron industry. A general law followed in 1647, and a director of forests in the two southern districts was appointed in 1720. All through the eighteenth century restrictions upon forest use were in force. Toward the close of the century there was, indeed, a premature scare over a possible timber famine. Yet, despite this legislation and much legislation which followed, waste continued to go on. While measures were being passed to conserve the forests, the communal forests and town forests were actually being sold. It was not till the law of 1903, which went into effect in January, 1905, that a satisfactory policy was secured. In general, this requires the practice of forestry. As in Russia, provincial forest protection committees have to approve the local felling plans. A diameter limit is set, below which trees may not be cut. Clearings are forbidden, and cleared land, unless

used for other purposes, must be reforested. Pasturing is restricted where it would do harm.

Forest fires continue to do great damage, especially in the northern part of the country. A forest patrol is doing effective work, however, in checking the spread of fires.

DENMARK.

Denmark has about 600,000 acres under forest, of which the State owns over 23 per cent, or 142,000 acres. About 75,000 acres of wastes are in process of reforestation.

The need of wiser forest use was felt in the eighteenth century, and by 1781 the state forests were placed under administration. But the clearing of the forest continued at such a rate that in 1805 it was provided that the still existing forests of beech and oak should be maintained forever.

Since 1820 the forest area has been increasing. At present reforestation is adding to it very considerably. Nearly 200,000 acres of heath have been planted in the last forty years. To this work of reclamation the State contributes \$40,000 a year.

SYRIA AND ASIA MINOR.

No better example can be given of the influence of deforestation and its folly than that which applies to Syria and Asia Minor; and I quote the following from papers delivered by Mr. J. Riedel, at the Tenth International Navigation Congress, Milan, 1905, and contributed by Mr. Ernest L. Harris, American consul-general to Smyrna, in a series of articles to recent numbers of the National Geographic Magazine.

Mr. J. Riedel, in beginning his paper on "Influence of deforestation" at the Tenth International Navigation Congress, Milan, 1905, says:

That the destruction of the forests is reasonable and economically justifiable only up to a certain point, beyond which it becomes irrational and generally baneful, is perhaps most clearly apparent in the effects of the action of the old civilized peoples, who, by means of an ill-considered destruction of the forests, gradually transformed districts that once exuberated in grace and fruitfulness into deserts and wilderness.

We need not go to Syria, to the land of Palestine, that once flowed with milk and honey, nor to the country between the Euphrates and the Tigris, in order to see how these districts have, as the result of deforestation become stony, waterless, and barren; Europe presents numerous sad pictures of the destruction of vegetation which has taken place in the early centuries. Not only in Greece have the wooded heights disappeared, but also in the other maritime states of the Mediterranean the forests have everywhere been devastated.

Mr. Ernest L. Harris, American consul-general to Smyrna, has contributed a series of articles to recent numbers of the National Geographic Magazine on the ruined cities of Asia Minor.

In closing this article, Mr. Harris says:

The hills, however, for the most part, are barren of forestry. The ruthless devastation of the timber resources of this country for centuries has done its work, and I very much doubt if even a rational system of forestry will ever bring back to those hilltops again the magnificent pines which once adorned them. Nature has been too badly treated. The soil which slumbered upon those slopes at creation's dawn has sifted to the valleys and the floods have carried it away to the sea. Nothing now remains but sterile rocks, which bake in the glaring rays of the torrid sun.

The husbanding of the resources of a country is a task which is fraught with the deepest consequences to the welfare of the people who inhabit it. Unless our people wish to see the mountains of Pennsylvania, Maine, North Carolina, Arkansas, and Oregon as barren and as sterile of production as are the bluffs which skirt the coast of Asia Minor, then it is high time that something radical be done.

JAPAN.

Japan is one of the countries which has taken systematic action relative to its forests. The forests of Japan are divided into the following classes: State forests, which contain 68 per cent; crown forests, which contain 9 per cent; municipal forests, which contain 8 per cent; shrine and monastery forests, which contain slightly less than 1 per cent; private forests, which contain about 25 per cent; a total of 58,000,000 acres. Notwithstanding the fact that Japan is one of the most thickly settled countries in the world, it produces more wood, etc., than is necessary for home consumption, making each year a considerable export, and it is noticeable that, notwithstanding the congested population, the forest area increases from year to year, and that the estimated stumpage is also increasing, so that it is probable that Japan will, not only during the immediate future, but for all time, be able to supply its own needs. The average exports, net, for the ten years ending in 1902 amounted to about \$2,250,000 annually. The Japanese divide their state forests into two classes—reserve and available. The reserve forests consist of 1,800,000 acres, and they are kept permanently wooded to prevent impoverishing the fertility of the surrounding district.

One of the best examples in Japan of forest culture is found in the Yashimo forests in the province of Yamato. Ninety-three per cent of this section is forested and 85 per cent of the population obtains its living from the forests. These forests are 400 years old. One-half of the growth is the result of planting, and the most systematic methods have been used for centuries in

removing surplus growth. Thirty-eight per cent of the entire area is planted to cryptomania, which is a most valuable wood, used largely for local consumption in connection with barrel staves, and so forth. Japan, under the law of 1897, is divided into 10 major forest districts. These in turn are divided into 270 minor forest districts, which latter are divided into 1,323 protective ranges, as they are termed, and, under the laws referred to, rules for working the available forests and restrictions in reserve forests are carefully laid down. The Japanese commenced to develop their state forests systematically in 1880, and the net results are most encouraging.

Year.	Gross receipts.	Expense.	Net receipts.
	Yen.	Yen.	Yen.
1883.....	223,000	181,000	41,000
1887.....	663,000	334,000	299,000
1892.....	811,000	522,000	288,000
1897.....	1,330,000	746,000	583,000
1902.....	2,588,000	1,116,000	1,472,000

In other words, since this system was inaugurated the net profit has increased about 16 per cent annually. The Japanese are replanting forests which have been removed, and also waste lands. In the twenty-four years preceding 1901, 247,215 acres were replanted. Many hillsides are being treated to prevent the sliding of the earth. They dig trenches for this purpose and plant coniferous trees in the trenches, either sodding the sides or not, as conditions require.

To enable Members of the House to compare the amount of service which is given Japanese and American forests, I present these figures. The number of square miles in state forests is about 50,632. To care for these forests there is employed a staff of 186 officials under the central government, and 1,821 under the local government. In the United States there are over 155,000,000 acres of forest reserves, to care for which there are employed 109 supervisors, 42 deputy supervisors, and 1,442 rangers and guards. The average net profit per acre per year from the state forests is now about \$1.50.

ANSWER TO CRITICISM.

I now wish to take up in some detail the objections raised in the minority report, signed by five members of the Agricultural Committee. Among these objections great stress is placed on the views of Lieut. Col. H. M. Chittenden, U. S. Army, an engineer officer on the retired list, whose views are said to be somewhat in accord with those of others in the Engineer Corps of the Army. Colonel Chittenden discusses this question with great clearness and thoroughness, and comes to the general conclusion that there is no appreciable connection between forestry and stream flow. His final conclusion is not definite on that subject, and he himself, as I shall show later, does not claim that there is no connection whatever.

The minority report also calls as witness several European authorities, and especially the views of E. Lauda, Director of the Central Imperial and Royal Hydrographic Office at Vienna, and quotes views expressed by Mr. Lauda in the year 1900. Whatever may have been his views at that time, contrary views were expressed by him at the Tenth International Congress of Navigation, held in Milan in 1905. At that congress eight papers were presented by engineers from Austria, France, Russia, and Italy, all agreeing in general terms that there is a connection between forestry and stream flow, and I shall print in considerable detail a résumé of their views.

Mr. Lauda took for his illustration two streams. These two streams were taken because all natural conditions, save forest cover, were practically identical. I use his own language in describing his method of procedure:

The difference which appears from this table [which he has been describing] in the matter of precipitation in the two basins is unimportant. The rains in the Bistritzka Valley are heavier during the summer than are those of its neighbor, while in the latter the winter rains are the heavier. Taking the year through, the result is the same in the two basins. As to vegetation, it may be said that cultivation of the open fields is carried on in the same way in both basins, with the same density of population and the same economic conditions. Meadows and pasture land are more extensive in both cases than the arable land of the mountains, where the product is small. The soil is generally fertile, but the area of wooded land is much greater in the Bistritzka Valley than it is in the Seniza—48 per cent of the hydrographic surface of the former and only 27 per cent of the hydrographic surface of the latter.

Having stated the conditions in both cases, Mr. Lauda enters into an elaborate statement of the precipitation and discharge in both streams, and, after careful analysis, he comes to the following conclusions:

1. Precipitation, retention, and discharge are connected by certain laws.
2. The forest exerts an influence, in any case, on the flow of water.
3. The retention of the water precipitated is, in a certain measure, greater in the more than in the less wooded basin.

Mr. Lauda then adds:

A final judgment on the subject of the influence of forests on the regimen of streams can not yet be uttered, the experimental data possessed so far covering only a relatively short space of time.

But he adds:

If it be unfavorable to the forest to this extent, that there are denied to it certain of the properties attributed to it generally, it does not follow from this that it is necessary to oppose the rewooding of arid surfaces, the replanting of the basins of streams, or the maintenance of plantations of trees. The general utility of the forest is so well settled, the extraordinary appreciation in which it is held, as a means of protecting the soil against landslides, is so firmly established, its great advantageousness, especially for the spring district, in holding back earth thrusts, and reducing the amount of sediment carried by rivers so important, that these reasons alone justify fully the greatest possible promotion of forest culture.

At the same conference Mr. H. N. R. Lafosse, inspector of forests and waters of France, discusses the influence, in a number of directions, which he believes the forest to have upon water circulation. Among the conclusions which he comes to are these:

1. It is settled that evaporation is less intense within the forest than it is outside.
2. It is admitted that infiltration is facilitated by forest vegetation.
3. It is certain that the loss in a forest by the run-off is very nearly nothing.

He adds to the above:

Wooded masses help not only to increase the volume of springs, and hence the discharge of streams, but they are also, like lakes and glaciers, powerful moderators. Holding the rain water, preventing it from running quickly into depressions, they help to reduce the danger of floods, and are a great aid in assuring the steadiness of the regimen of rivers.

Forests are therefore, as has been very justly said, condensers and regulators at the same time; and these words sum up completely the action of wooded masses from a hydrologic point of view.

If the destruction of forests is to be deplored, it is most of all on the mountains that the cutting away of timber is to be feared. It is not alone the supply of the springs and the discharge of the streams which are in danger; it is the very existence of the rivers themselves. The stream which can be utilized disappears to give place to the devastating torrent.

At the same conference Mr. H. Keller, privy councillor of the public works, department of Austria, discusses the relation between streams and forests, claiming that the condition of forest growth is vital to both stream flow and to the retention of the soil. He says:

Deforestation may locally injuriously affect the nature of the soil and the conditions of the flow and drainage of the waters, when no surface vegetation grows again on the forest site, or where there is a falling off in cultivation.

Mr. Joseph Wolfshutz, of the agricultural council of Austria, said:

For economic reasons reforestation will have to be confined to the steeper mountain slopes, which are of little use for other cultivation. Such forests retard the melting of the snows in spring, and lessen the violence of spring high water. It is thus advisable, in the interests of navigation, to spare and to attend to the forest. In this respect forests have incontestably had a beneficial influence upon the floods of the large rivers.

When we sum up these discussions, we come to the conclusion that the existence of forests and swamps will, on the whole, have a favorable influence upon the water régime.

Mr. J. Riedel, technical councillor of Vienna, made this statement:

In the valleys denuded of trees the more rapid swelling of floods than formerly may be noted. Since the island of St. Helena has been rewooded the rainfall has become twice as great as in the time of Napoleon I. Lower Egypt, which in the eighteenth century could boast of only ten to twelve days' rain in the year, and in consequence constantly suffered from drought, after 20,000,000 trees had been planted has as many as thirty to forty days of rainfall, yielding a sufficient supply of water.

Mr. Ponti, chief civil engineer for the Government of Italy, states in his paper on the same subject that—

Forests are always effective for holding steep slopes. They are powerful auxiliaries for any kind of works carried on with the object of reducing the volume of material which the water may carry off, and their effectiveness is greater if the subsoil be impermeable.

Mr. C. Cipoletti, an eminent Italian engineer, says:

But with regard to the régime of high-water flow and ordinary floods, there is no material difference of opinion. In such localities the waters running off the surface unite with the springs in providing the supply of water for a river. Thus, all the writers agree that forests exert a moderating influence on the run-off of surface waters, owing to a large proportion of the water being retained by the leaves and other parts of the plants.

Mr. Cipoletti then reviews all the papers which have been read, and sums up their conclusions as follows:

Opinions being unanimous upon the points that forests exert a beneficial influence—

1. Upon the consolidation of sloping grounds, by preventing the disastrous washing off of materials to the bottom of the valley.
2. Upon the formation and permanency of springs, at least in impermeable ground and on slopes.
3. On the better régime of rivers, at least at the periods of their low water and ordinary flows.

Colonel Chittenden's paper may be summarized as an expression of an opinion which is directly antagonistic to four gener-

ally accepted theories with relation to forests and the effects of forests on stream flow as follows:

1. By storing the waters from rains and melting snow in the bed of humus that develops under forest cover, preventing their rapid rush to the streams, and paying them out gradually afterwards, thus acting as true reservoirs and equalizing the run-off.
2. By retarding the snow melting in the spring and prolonging the run-off from that source.
3. By increasing precipitation.
4. By preventing erosion of the soil on steep slopes, and thereby protecting water courses, canals, reservoirs, and similar works from accumulation of silt.

In speaking on the first proposition, Mr. Gifford Pinchot says:

In his paper, Colonel Chittenden repeats an illustration used by the writer before a committee of Congress. A photograph of a barren hillside was taken. Water was poured upon the glazed paper and was observed to run off instantly. Then a piece of blotting paper was laid upon it, water was poured over the blotting paper, and, of course, it was absorbed and remained for a time.

That is a fair description of an essential function of the forest floor. It affords a physical obstruction to the rapid escape of water over the surface, and thus provides, to some extent, a storage reservoir. Colonel Chittenden admits this influence for average conditions. Indeed, it is a matter of such common observation as to be indisputable. The practical value of this influence may be little or much, depending upon the character and amount of precipitation and the thickness of the undergrowth, decaying litter, and humus on the ground.

There is another function of the forest floor which in practical value far surpasses this one.

The forest floor reacts upon the soil itself to wonderfully increase its absorptive capacity. The humus which by natural action is being constantly mixed with the upper layers of mineral soil adds to its receptive and retentive power, while the deep penetrating roots open passages through which water readily passes to underground drainage.

That Colonel Chittenden has failed to consider this function is evident throughout his discussion. On page 926 he says, in giving an illustration:

"Consider an inclined plane surface practically impervious to water." When it is understood that under the forest the surface is very far from impervious; that, on the contrary, it is absorbent in the highest degree, the argument is seen to be fallacious.

Failing to note this function of the forest floor, Colonel Chittenden misses entirely the greatest influence which the forest exerts on fallen moisture—that of changing surface to underground drainage and of replenishing the great underground reservoir from which the springs and streams are fed.

What is the importance of ground storage, which is so lightly passed over? Professor King, of the University of Wisconsin, has found that ordinary soils have a capacity of 4 to 5 or even more inches of water per foot of depth. Ground water extends to a great depth. Considering the earth masses which lie above the stream levels in mountainous regions, one can get an idea, though a somewhat inadequate one, of what ground storage means to the permanency of stream flow. The ground water is constantly in motion, is replenished entirely from the surface, and is easily disturbed by any change in surface conditions.

Dr. Bailey Willis, of the Geological Survey, in replying to the Chittenden paper, says:

The writer has before him the results of three years' investigations by Prof. L. C. Glenn, of Nashville, Tenn., in the southern Appalachians, the most critical region of the United States, and he has gathered from Professor Glenn's manuscript report to the Forest Service the following summation of details which bear on this question:

Forty-six creeks and small rivers, whose watersheds may be described as timbered rather than cleared, are known, according to observation and local repute, in times of flood to rise gradually, to continue high for several days, and to subside slowly. They carry but little sediment, and they maintain a good volume of water during dry seasons.

Thirty-eight creeks and small rivers in the same watershed, whose slopes may be described as cleared rather than timbered, are known, according to observation and local repute in time of flood, to rise rapidly to extreme flood height, to carry excessive quantities of mud, sand, and gravel, and to fall quickly. In dry seasons they are very low, and the range from lowest to highest stages has increased and inflicted much damage in very recent years.

Two other classes of conditions may be recognized in Professor Glenn's description: The one of valleys still timbered but which are being damaged by the beginning of logging, and particularly by the logging of chutes; the other of watersheds that are largely cleared and grassed, and which the grass protects from erosion, though not in the same degree from rapid run-off. Such evidence as this, collected by the qualified and impartial observer with reference to individual watersheds, establishes for the region in question, comprising the mountains of North Carolina, Tennessee, and Georgia, the fact "that forests do exert a beneficial influence on stream flow by storing the waters from rain, preventing their rapid rush to the streams, and paying them out gradually afterwards, thus acting as true reservoirs."

Mr. M. O. Leighton, of the Geological Survey, in a very exhaustive reply to the Chittenden paper, says:

Colonel Chittenden's paper on the subject of forests, reservoirs, and stream flow is so admirable a literary composition and so persuasive in its presentation that one is well-nigh beguiled into acceptance of its precepts. It is only upon critical review and application of fundamental principles that one is prepared to appreciate how erroneous are its terms, how mistaken its deductions. It may be summarized as follows:

1. A large number of the premises and observations upon which his conclusions are based are in error.
2. Nearly all the author's difficulties with reference to the relation of forests and stream run-off could be solved if he had not misconceived certain fundamental principles.
3. In the progress of his argument, the author presents contradictory facts.
4. The author rejects many generally accepted ideas, professedly because little or no evidence has been brought forward in their support, and then substitutes concepts of his own without any demonstration.

At the very outset of the discussion there is revealed a fundamental misconception which largely explains many of the adverse deductions in relation to forest control of run-off, viz: "By storing the waters from rain and melted snow in the bed of humus that develops under

forest cover, preventing their rapid rush, etc." If this means strictly what it says the author believes that the bed of humus is the agent of storage. The impression here conveyed is intensified by the practical illustration given on page 926, under the caption "Effect of Forests on the run-off from Rainfall," in which an inclined plane surface is used practically impervious to water, with a layer of sand covering some small portions of it. The author has forgotten our greatest reservoir, namely, the ground.

Prof. George F. Swain, professor of civil engineering in the Massachusetts Institute of Technology, has, at the request of ex-Governor Curtis Guild, Jr., of Massachusetts, prepared a reply to the Chittenden paper, in which he says:

With reference to the first of these points, the author states that it is "strictly true for average conditions." He believes, however, that this beneficial effect is not exerted under extreme conditions—that is, great floods and excessive low waters—and he states that these extreme conditions "determine the character and cost of river control."

Even if it be admitted that the presence of forests does not affect extreme conditions, this is no argument against the value of forests, for it is certainly not true that only extreme conditions affect the navigability of streams or determine the character and cost of river control. Extreme conditions determine certain elements, such, for instance, as the height of levees. Colonel Chittenden certainly can not mean to state that ordinary everyday floods do not carve away banks and cause shoaling of channels, rendering dredging necessary for navigation. A few high, but not extreme, floods may do much more damage than one extreme flood and may necessitate more expenditure for dredging and other purposes. Extreme conditions are in the nature of freaks. They occur only at intervals of many years. It would seem to be more nearly correct to state that the interests of navigation are governed more by the usual conditions, and that it is possible for extreme conditions, at rare intervals, to interrupt traffic for a short time without causing much loss. It may as well be argued that it is not wise to attempt improvements on railroads because an earthquake or a tornado or an extreme flood in a river may destroy a portion of the track and interrupt traffic for a while. It matters little in the navigability of a stream if at intervals of twenty, thirty, or fifty years an extreme drought occurs for a few days or weeks, making the depth of the channel insufficient for the largest vessels.

If it be true, therefore, that extreme conditions do not govern the question, Colonel Chittenden has admitted all that the advocates of forests desire. Let us consider, however, the arguments with reference to such extreme conditions:

The argument with reference to extreme floods appears to be that floods are always the result of combinations from various tributaries, the highest flood from one stream coming at the same time as the highest flood from other streams, occurring after periods of long-continued and widespread precipitation. In such cases the forest bed becomes completely saturated, its storage capacity exhausted, and when this point is reached the forest has no more power to restrain floods than the open country itself.

It is, of course, evident that the rainfall may be so great and long continued that the forest has become saturated and that the water flows over the surface, but it does not seem correct to say that in this case the forest has no more power to restrain floods than the open country itself. The discharge will be hindered in the forest by the physical conditions, and because the soil will not be washed away and the water will not be gathered into torrents flowing down through eroded channels. Moreover, it seems a strange argument to maintain that because the retentive power of the forest is not unlimited it is not, therefore, useful.

With reference to Colonel Chittenden's second proposition, in which he disputes the influence of forests in retarding the melting of snow, Professor Swain says:

This argument contains a number of errors and inconsistencies. In the first place, the snow does drift in the forest, although not to the same extent as in the open. Colonel Chittenden admits that the snow blanket lasts longer in the forests than in the open, except for the drifts. It is the present writer's experience, however, that the snow in the forests lasts considerably longer than even the drifts in the open, although this may not be true in the case of very high altitudes. The snow in the drifts on or near the summit of Mount Blanc, of course, lasts longer than the snow in the forests below, because the top is in a region of perpetual snow. Obviously this is not the condition to be considered in the present instance; but Colonel Chittenden ignores the fact that under the snow the ground in the forest is warmer than the ground in the open and that the snow blanket melts at the bottom rather than at the top. Frequently the ground in the forest does not freeze at all, and therefore it is in a better condition to absorb the melted snow than the ground in the open. But even if the snow blanket in the woods absorbs, as he thinks, the water from its own melting under the sun's rays, preventing it from percolating into the ground, why do not the large drifts in the open, which he says form the main reservoirs of the streams, also absorb their own water and prevent it from running off?

The fallacy of Colonel Chittenden's arguments in this respect is obvious. It is, of course, true that if a warm rain comes upon the snow blanket in the woods, carrying it off in a short time, the resulting flood may be greater than if the forest had not been there to retain the snow. But it is quite clear that in the latter case the earlier spring floods would have been increased. If a given amount of snow is to be carried off into the streams, it is obvious that the flow of the streams will be more regular if the period of melting is extended, and this is the effect of the forests.

Mr. Leighton says:

The statement that forests prevent the formation of drifts and distribute the snow in an even blanket over the ground is, of course, erroneous. Every country boy has floundered through drifts in the forest, and Dr. George Otis Smith, Director of the Geological Survey, in his discussion on this paper, testifies that in the very region concerning which Colonel Chittenden appears to be most familiar, and in the same year in which the latter made some of his observations, his (Doctor Smith's) horse became stalled in a snowdrift in a dense forest on or about the 1st of July.

On the tops of peaks and in extremely high altitudes, consequently subject to great winds, this may at times be true. It is certainly untrue for the greater part of the country, the quantity of snow in the trees being but an exceedingly small part of the total accumulation. Even in high altitudes the heavy and uniform blanket of snow is com-

mon, as can be shown by notes or photographs on file in the Geological Survey.

Mr. Pinchot says:

It is true that because the sun is excluded in a dense forest melting begins later than in the open, and Colonel Chittenden correctly states a universally known fact when he says that "even after the ground in the open is entirely bare, except under the drifts, the forest areas may still be covered with an unbroken layer of snow." Why? Simply because it is colder in the forest. It is colder when the process begins; it is colder day by day until the snow is gone in the open. The forest consequently acts in exactly the same way as the gulch on the north mountain exposure. It catches the average amount, or more than the average amount, of snow and holds it until the melting time in the open is past. If, in either case, the melting went on as fast as in the open the discharge of water would be greater, considering the whole watershed, and floods thereby intensified.

With reference to the third proposition of Colonel Chittenden, with regard to the effect of forests in increasing precipitation, Dr. Bailey Willis says:

Precipitation over mountains is always less regular than over plains, for the irregularities of the mountain slopes cause the air currents to rise and expand and cool very unequally. And when we exaggerate these conditions by removing the regulating effect of the tree surface and substituting the aggravating effect of the bare surface we produce conditions that result in more violent floods and more excessive drought than existed before man did his irrevocable work.

Mr. Pinchot says:

Large numbers of observations, some favorable, some unfavorable, some neutral to this theory, have been taken all over the world, but the prevailing opinion of the men who have studied the matter most carefully is that there is an effect of the forest, and that it increases rapidly with the altitude to which the forest grows. However, the influence of the forest in causing rain, whatever it may be, is a matter of comparatively small importance compared with its influence upon the distribution of water after it reaches the surface.

Mr. Leighton says:

Let the author, Colonel Chittenden, examine the precipitation records over the basins of the Tennessee, the Cumberland, the Kentucky, the Pemegewasset, and Catawba rivers, and he will convince himself that his generalization in these important instances at least is quite the reverse of the truth.

With reference to preventing erosion of the soil on steep slopes, and thereby protecting water courses, canals, reservoirs, and similar works from accumulations of silt, Doctor Willis says:

It is difficult for the writer to understand how any observer can say that there is a deficiency of evidence to support this view, as Colonel Chittenden does on page 949. As a geologist, my attention has been constantly drawn to the evidences of erosion under the varied conditions of relief and climate in nearly all parts of the United States and also throughout Europe and a not small part of China. There is, according to my observation, a definite relation between the different valley deposits and forest-covered hills on the one hand or denuded hills on the other. I can not recall an exception to the fact that streams flowing from hills which have been denuded of forests have filled their lower valleys with broad flats of sand and gravel through which the waters meander in shifting, uncertain channels. Equally closely related are forested mountains and clear streams, which flow through valleys with well-established channels and more or less extensively developed flood plains that are covered with appropriate vegetation.

Mr. Leighton says with reference to the assertion that our rivers are not shoaling by reason of erosion:

It may be remarked that if the author will review the reports of the Chief of Engineers of the United States Army he will find ample evidence to the contrary. Of course, erosion does not mean uniform shoaling throughout the entire course of a river. It means rather additional bar formation. The schedule of dredging on the Ohio shows a fairly constant increase since 1875, and it is significant that in the recent report on the 9-foot canalization of this river the Board of Engineers for Rivers and Harbors recommended that \$1,000,000 per year be provided for dredging. While it is recognized that the need for this great sum arises from the cessation of bar cutting that would be occasioned by the erection of locks and dams, it indicates, nevertheless, that the United States engineers have recognized that the debris problem is of far more consequence than Colonel Chittenden would have us infer.

Mr. Robert McMath, of St. Louis, an engineer well known for his connection with the improvement of the Missouri and Mississippi rivers, and formerly a member of the United States Engineer Corps, has the following to say in discussing the Chittenden article:

We know that floods destroy, but we do not fully know and appreciate the fact that the work done at low stages is largely reparative. Reparative work is the readjusting and removing high stage or flood deposits so as to restore the efficiency of the river bed, which is always impaired by flood waves. Assuming that such reparation is the fact, the practical solution of the improvement problem is to subtract from the flood and add to the low stage energies.

Mr. Pinchot says concerning Colonel Chittenden's position with reference to erosion:

The mistake is a fundamental one, which can be checked up by anyone who will take the trouble to compare the quality of the forest floor in the two kinds of forest.

Where Colonel Chittenden got the idea that in any cultivated forest under the sun it is the habit of the foresters to rake up the debris I am utterly unable to say, but it shows—and this I regret to say—it shows so complete and thorough a misunderstanding of the elementary foundations of forestry as to invalidate it at once in the mind of any man acquainted with the forest, or, if not invalidate, to at least throw into cloud his observations on all matters relating to forestry.

It is unnecessary to dwell upon his statement that it is not forest destruction, but forest culture, which has the effect of causing soil ero-

sion, because it resembles in all details the ancient question of which came first, the hen or the egg. Whether you destroy the forest to cultivate the soil, or cultivate the soil after the forest is destroyed, makes no difference. At any rate, the forest is gone, and its cover has been removed.

The suggestion is made in the paper under discussion that we cease devoting the mountain slopes to forests, and take up their cultivation on the lowlands. The failure to conceive the elementary principle in all forestry, and in all use of the land, that each part of the soil must be put to the use in which it will contribute most to national welfare, makes this phase of the question peculiarly difficult to discuss.

As well might it be said that it would be an excellent thing to devote the west side of Fifth avenue to the growth of Lima beans, because their transportation from that place to the consumer in New York would be so much more convenient and so much cheaper than if they were grown on Long Island. There can be no question about that. But the west side of Fifth avenue has a greater value for another purpose. And the soil upon which Colonel Chittenden recommends that we shall grow trees has a vastly greater value for agriculture than it could ever have for forestry.

In summing up the entire paper, Mr. Pinchot says:

If the points in this paper have been made plain, Colonel Chittenden's fundamental conception as to the forest floor and its influence is wrong. His idea that records in the United States do not show an increase in the frequency of floods and of low waters is wrong. His idea that the critical point for us to examine into in this matter is flood height and not flood frequency is wrong. And his conception of forestry, of the functions of the forest, outside of water supply, is so fundamentally wrong that it might be discussed in a paper of far greater length and still leave untouched some of the points upon which he is mistaken.

It has been contended that the Government has no constitutional right to purchase land except for certain specific purposes, such as for public buildings, for navy-yards and naval stations, arsenals, and so forth. Not being a lawyer, I can not claim to be able to expound the Constitution, but if it permits the expenditure of large sums of money for all kinds of enterprises, it seems to me ridiculous that its terms will prevent the development of a great project, which at least has some connection with interstate commerce and which certainly promotes the general welfare. This is not a proposition to use revenues obtained by means of taxation for the purchase of lands; on the contrary, it is taking the receipts from the Forestry Service and using those receipts for the development and extension of that service. If a business man owned areas of forests from which he received a revenue which he did not need for general expenses, he would be justified in investing, and, in fact, would be quite likely to invest, these receipts in the same kind of property; and he would be led to do this because his knowledge of that kind of business would incline him to continue it rather than to go into some untried field. The same application may be made to the Government in this case. There is no doubt that congressional action has been such in the past that it has assumed the right to dispose of public lands or their receipts in any manner it saw fit; and I believe it is generally acknowledged that the power of Congress over the public domain is plenary, and that the public lands and proceeds thereof have never been considered a source of public revenue, but a trust, to be used for the settlement and development of the country and for the benefit of all the people.

How, then, can the receipts from public lands be devoted to any more suitable purpose than in creating additional public lands, which indirectly will promote navigation, conserve water powers, prevent floods, and protect the watersheds of navigable rivers?

During the last fifty years public lands have been disposed of for the following purposes: Under the homestead act; granted to railroads in aiding construction and in aiding the construction of wagon roads; granted to States for canal purposes and river improvement; granted to States for educational and other eleemosynary purposes. Furthermore, Congress has been liberal and general in disposing of the proceeds of the sales of public lands, it having given large amounts of money to the support of colleges of agriculture; to agricultural experiment stations, to schools, and to the swamp fund. It has been devoting the proceeds of sales of the public land to the Reclamation Service, which was instituted seven years ago, and which has been continued without scandal and greatly to the advantage of the western section of the country, developing large areas of the best farming lands in the United States. In a speech on the Reclamation Service, on June 12, 1902, the gentleman from Wyoming, who is now a Member of this House, expressed his views on the right of Congress to act as was proposed in that project in the following language:

If the Congress has the right, which has never been denied, to give away public lands, with or without stipulation as to their use and final disposition, and to appropriate the proceeds for a wide range of purposes, for which it is somewhat doubtful if the funds derived from taxation of the people could be used, it is clear that Congress has the authority, as we propose, to provide for the creation of a trust fund from the proceeds of the sales of public lands, and to direct the use of this fund for the purpose of making other public lands salable and useful, with a view of transforming deserts into habitable regions and making possible the great increase in the general wealth, power, and prosperity of the country which must follow such development.

I fully approve of this expression of opinion, and it is as applicable to the proposed Forest Service as it was to the Reclamation Service, the only difference being that in one case the proceeds of land sales were taken for the development, and in the other the receipts from the exploitation of public lands are to be taken for the development. In the one case the Government gets its money back by sales of lands, and in the other the Government will be easily able to get its money back, if it desires, by the sales of a class of property which is constantly increasing in value.

Twenty-nine of the 55 Members of this House who voted against the reclamation bill are Members of this Congress, and I think they will universally agree that the Reclamation Service has been devoid of scandal, has been beneficial to the western section of the country, has developed large areas of valuable lands, and that their vote in opposition to that measure was not justified. They may be disposed to urge the same arguments against this measure, so similar in its general character. If such should be the case, I wish to call to the attention of the House how faulty may be the reasons against initiating a great public measure, made by even as sound a reasoner as the gentleman from Wisconsin, Judge JENKINS, who, in joining the minority report against the reclamation bill, added this comment:

I concur in the opinion that there is a total want of authority in Congress to pass the bill in question or, in fact, any bill providing for national irrigation. But if Congress had the power, and it was generally conceded that the subject of national irrigation was one worthy of the attention of Congress, it would, in my judgment, be impossible to enter upon the proposed plan, because it embraces more than one State, and the Federal Government would have to enter each State upon the same terms as a private individual or corporation, entirely divested of its sovereignty, and would have no power to purchase or condemn property needed for the enterprise held by persons other than the Federal Government; would be subject to the varying laws of the different States; would have no right to interfere with water courses to the detriment of private ownership or the rights of the States in the same. My judgment is not based on the narrow doctrine of the rights of the States as against the Federal Government, but upon the broad proposition that the proposed plan is entirely outside of the powers of Congress and impossible of execution.

The makers of the Constitution might be presumed to have a pretty definite idea of what the Constitution meant and what it was intended to do, and yet they found methods of doing necessary acts which the strict constructionist objects to to-day. I find one instance, more than one hundred years ago, in which Congress authorized a purchase of lands. These lands were supposed to be producing what was necessary for a public use. On January 11, 1797, the Secretary of War, in addressing a Member of Congress, Mr. Parker, used this language:

The probability is that an article so important to the maritime nations as live oak will be sought after with much avidity, and the land which is clothed with it may pass into hands that may make its attainment hereafter more expensive, if not impracticable; but whether it is right that the United States should be the purchaser of such land is a question which no doubt you have examined.

And on the 25th day of the same month the Mr. Parker referred to, he being chairman of the committee to inquire into the state of naval equipment, and so forth, reported as follows:

Your committee further report as their opinion that it would be expedient for the United States to secure some of the lands in South Carolina and Georgia, well clothed with live-oak and red-cedar timber, for the purpose of building ships of war.

And recommends an appropriation to carry out this suggestion.

February 25, 1799, Congress appropriated \$200,000—

To be laid out in the purchase of growing or other timber, or of lands on which timber is growing, and to cause the proper measure to be taken to have the same preserved for the future use of the navy.

If it were desirable to conserve live oak for shipbuilding, even for building men-of-war, it seems to me a stretch of the imagination that it is not equally desirable and constitutional to preserve the forests which conserve stream flow, which aids in navigation, a project in which the Government is spending and will spend large amounts of money. If it is not a constitutional right, I venture to say that a very large percentage of the appropriations made for various purposes under the Government, and especially appropriations made for the Department of Agriculture, are equally unconstitutional, but they are, as far as I know, without exception, made for the general welfare, and will stand the test of good business sense, even if there is a technical objection to them.

OTHER REASONS FOR THIS ACT. WATER POWER.

I do not wish to depend on the relation between forestry and navigation as the only reason for urging this legislation. Indeed, that is in itself a minor consideration, but in order to overcome the constitutional objections of members of the Judiciary Committee this bill has been drawn to cover that objection. It must be apparent, however, to anyone that there are

other reasons of even more pressing importance why this policy should be undertaken, which will be among the advantages obtained if it is undertaken, as, for example, the value of water powers. This is one of the most important questions in our national life. Theoretically, the streams of the United States furnish 230,000,000 horsepower, while there is in use to-day only 5,250,000 horsepower. It is estimated that more than seven times the amount now in use is available at a cost comparable with the cost of steam installation, and that, in addition to that, from forty to one hundred and ten millions of horsepower may be made available at a reasonable cost. But even if the amount which could be installed on a basis of the installation of steam power were made available it would be equivalent to the entire mechanical power now in use in the United States to operate every mill, drive every spindle, propel every train and boat, and light every city and village in this country.

To show the importance of the conservation of power in relation to our industrial life, it would seem to be only necessary to instance that in New England alone, on the four navigable rivers which would receive some protection if this act becomes a law, there is invested in manufacturing industries \$400,000,000; that the output of the factories is over three hundred and thirty millions; that they employ more than 150,000 persons, and pay between fifty and sixty millions of dollars in wages. These rivers are a source of power and are useful only to the extent of the power developed during the period of lowest water flow. Therefore great variation in water flow is detrimental, and if floods obtain they become a serious danger. The Merrimac River, on which are located the mills of Lawrence, Lowell, and Manchester, as well as many other places, illustrates the increased variation in river flow. This has become so great that manufacturing plants have been obliged to install steam power plants as auxiliaries, even when their output has not been increased. The agent of the Amoskeag Manufacturing Company, the largest cotton manufacturing plant in America, testified before the Agricultural Committee that his company had suffered a loss of \$500,000 from two floods on the Merrimac River recently, and that the flow of the river had become so variable that it had been found necessary to install a 10,000-horsepower steam plant, and supplement the power obtained from the river at periods of low water.

NECESSITY FOR WOOD AND LUMBER.

It is estimated that our industries subsisting mainly on wood pay the wages of more than one and one-half million men and women and that the forests of this country, not counting growth in the meantime, will be entirely dissipated in about thirty years. Our forests now cover about 650,000,000 acres, or, relatively, one-fourth of the United States. Of this amount, 169,000,000 acres belong to forest reserves, or practically one-fourth of the total amount. These national forests contain, it is estimated, about one-fifth of all the timber standing. Forestry as an industry is practiced on 70 per cent of the public forests and only on about 1 per cent of the private forests, or on only about 18 per cent of the total area, though it should be said that much greater care is being used by all lumbermen than was the case a few years ago. Whether this is due to a desire to preserve the forest itself or to get the benefit of all the value there is in the log, owing to the increased prices of timber, is not important, but the statement of fact is well known. One of the largest lumbermen in the country, whose operations are carried on in a snow country, has recently stated that fifteen years ago his force averaged to produce 1,000 feet for each man employed, while now each man produces only a little over 300 feet, and he stated that this difference was almost entirely due to the difference in methods of cutting.

The yearly growth of wood in our forests amounts to about 7,000,000,000 cubic feet, and we are removing it at the rate of about 23,000,000,000 cubic feet. We use each year 100,000,000 cords of firewood, 40,000,000,000 feet of lumber, besides the product used in posts, fences, rails, cross-ties, and so forth. Since 1870 it is estimated that we have lost on an average of \$50,000,000 worth of timber yearly from forest fires. Therefore it will be seen that we are taking from our forests about three and one-half times their yearly growth; and while our lumber cut has not increased over 2 per cent a year, the average price of lumber is increasing at the rate of about 7 per cent a year, and it should be added that owing to the condition of the supply of lumber, there being but five or six countries which have an excess to export, we are dependent upon ourselves. The purchase and organization of national forests in the eastern section of the country will be an object lesson of great value to the private owner. The basis for this statement has been clearly demonstrated in reclamation work in the West. Before the Government undertook that work more or less reclamation work had been done, but in such an ill-advised way that unless the condi-

tions were most satisfactory the results were in most cases failures. The methods instituted by the Government have been followed by private individuals to such an extent that the results obtained from private enterprises have been even more important than those under Governmental supervision, and in the same way we may reason that the methods of conducting a forest reserve will naturally be imitated and followed by private individuals, so that we may expect much greater efficiency in the results obtained from private forests.

FLOODS.

It is stated that the direct yearly damage by floods since 1900 has increased from forty-five to two hundred and thirty-eight millions. Whether these figures are accurate or not it is difficult to determine, but there is no question about the fact that floods are increased by the removal of forests. That does not necessarily mean that extreme floods may not and will not exist, even though the country is thoroughly forested—and I propose to touch that question later—but the number of floods is greatly increased by the removal of forests. Freshets are attended by destructive soil erosion, the soil matter annually carried into lower rivers and harbors, or into the sea, from the two hundred and eighty-odd rivers in the United States reaching an amount estimated at 800,000,000 tons. This is a serious reduction of the value of upland farms, because it removes the best part of the soil from those farms. It increases the difficulties in navigating rivers, and, incidentally, the necessity for increasing appropriations for river and harbor development. It has been estimated that the annual loss to farms alone, on account of this soil erosion, is \$500,000,000.

One of the important questions in connection with this subject is the relationship between forestry and floods. Floods are dependent on so many elements that it is difficult to obtain data which will cover every case, and this data must necessarily be spread over a long period of years. They depend on the amount of precipitation, the configuration of the watershed, the amount of surface forested, and many other minor elements which I am not going into at this time. It must, however, appeal to the common sense of anyone that a forest would hold and retain a much larger percentage of moisture than an open, cleared space, though the character of the surface in the cleared space would naturally be a considerable element in the amount of moisture which it would hold. If it were level land and tilled land, it would hold a large amount of precipitation, while if it were hilly and turfed, the precipitation would flow off easily, without sinking into the soil. But in the forest not only do the leaves and shrubs hold moisture, but the humus retains a large amount, and it almost invariably happens that the soil under the humus is porous and retains a greater percentage of moisture than most soils in the open. It may be true that when this soil and humus and all the other elements which go to make up the forest are thoroughly saturated, water will flow from a forest surface as from a cleared surface, but it will not do so at any other time.

The most careful investigations on this subject have been made by Prof. M. O. Leighton of the Geological Survey, and I quote his conclusions in part, and the result of his investigations on the Tennessee River, where observations have been made for twenty-four years:

It will be well to consider at the outset just what index may be used to determine the trend of flood tendencies. It is common in inquiries of this character to select and compare the highest stages attained in the several years of record, and because, perchance, higher floods may be shown in early years, many really competent persons have believed themselves forced into the conclusion that there is no change in flood tendency. The actual height attained by the maximum flood each year is, however, a matter of small consequence in such consideration. A little reflection will show how this must be true. The precipitation, which is the ultimate cause of floods, takes three courses, only two of which are really important in the present discussion, namely, the course along the surface of the ground directly into water courses; and that into the ground by percolation, with subsequent discharge into the rivers by seepage. In general terms, it may be stated that the water which causes floods is that proportion of the precipitation which the earth does not absorb and which therefore must flow along the earth's surface.

Now, it is apparent that when precipitation becomes so intense and long continued that it practically saturates the ground the rain that falls thereafter must take the direct route and floods must necessarily arise. Therefore the height of great floods is fixed, primarily, by the intensity of precipitation, and as the amount of rain varies from year to year, now bountiful and again scanty in what seem to be fairly uniform cycles of years, the observation of an especially high flood during an early year compared with that of a much lower one during a recent year can give no index to flood tendency in any river. The real index is of more fundamental origin than the mere occurrence of high floods.

When the question is asked, "Are floods increasing?" the considerations involved are not those of height, but those of duration and frequency. In other words, the question means "Are floods of more frequent occurrence and are there more days of flood than formerly?"

Speaking of the Tennessee observations, Professor Leighton refers to them in the following language:

A better comparison would apply between the number and depth of flood-producing rains and the number of flood days. Such a comparison

Let it be borne in mind that those who advocate the forest treatment do not rely upon the tree growth to hold back the water in times of storm or to release the water from day to day

in times of drought. They rest on the cover of detritus that falls from the trees—the layer of leaves, branches, and so forth—the very things which superinduce devastating fires. In the western forests the strictest rules apply to the collection and burning of this debris that fires may be averted. Is it wise, then, for the Government to buy land and raise trees to produce litter on the ground where that very accumulation may spread a fire that will in a few hours wipe out the efforts of years?

It is stated in one of the reports made to Congress on this subject that the rains in the Appalachian Mountains are largely torrential, a precipitation of 3 to 8 inches in a day being common. Does anyone suppose that a forest cover or any other agency can hold back and regulate the run-off following such storms? Yet those are the storms which work the havoc and carry destruction before them in the valleys below. The ordinary rainstorm, such as might be absorbed by the forest cover, does no damage and fills up no river beds.

The second phase of the question brings up the question of cost. Congress has ordered two investigations of this subject. The first report, brought in some five or six years ago, asserted that to carry out the plan in these two localities, New England and the Southern States, it would be necessary to acquire by purchase 75,000,000 acres of land. The price was stated at from \$10 per acre down. I guess we all know what happens when "Uncle Sam" goes into the market to buy land, either by condemnation or by private arrangement. But taking it at \$10 an acre, you have \$750,000,000 as the outlay for the acquisition of the land to begin with.

It has always seemed to me that the friends of this proposition, when that report came in, felt a little like the man who inadvertently sent up his petition for "a barrel of pepper;" that they had overdone a good thing. Thereupon Congress was appealed to, and in a subsequent act two years ago it authorized the Secretary of Agriculture to again investigate this matter, and his report stated that we would have to purchase 23,000,000 acres of land, at prices which, he said, were substantially the same as the first ones. But there is not one line in this second report which undertakes to dispute or contradict the first one as to the acreage desired.

Of this amount, it is asserted that 5,000,000 acres are needed at once, so we have a present demand for the purchase of 5,000,000 acres, a present need for 23,000,000 acres, and an ultimate necessity for 75,000,000 acres. It may be remarked at this point, parenthetically, that our receipts this year will fall below our expenditures by \$125,000,000.

Nor is this all. The bill before us does not confine its operations to the White and Appalachian Mountains. It is of general application, and under it forests may be laid out and lands purchased in any part of the country, and it is significant that a Member from Texas [Mr. STEPHENS] appeared before the committee and presented the claims of his State to have 100,000 acres bought on the headwaters of a certain stream in that State. Other States, I predict, will be heard from later.

It is proper to take some note of the character of the land that is to be purchased. It is universally described as lying on the higher mountain slopes, in some instances above the natural timber line. The soil is described as rocky and barren, and it is always admitted that the land is so unproductive that no individual will undertake its reforestation for profit. It is distinctly and admittedly a proposition to sell to the Government worn-out lands which no one wants to cultivate or devote to any productive purpose. All this evidently on the theory that forests planted by the Government do not need any fertility of soil.

On such lands as these, remote from transportation, even from common highways, the Government is asked to go into the business of raising timber for future generations. Why, let me ask, should the Government go into the business of raising timber at all? It is said that our lumber supply is falling behind the demand. Well, what of it? Exactly the same thing is said of our meat and our bread supplies. Reference was recently made on this floor to a very interesting and instructive address delivered last fall in a western town, by Mr. James J. Hill, on the country's wheat supply. He proved as conclusively as statistics can that the time was in sight when we would be heavy importers of wheat if some change be not made. Did he argue from this that the Government should begin to buy land—and the very poorest land to be found—and go into wheat raising? By no means. He held true to the course which has made us a great people, and urged a renewal of individual enterprise under more enlightened methods. "Millions for education of the individual, but not one cent for paternalistic ventures," might well be the paraphrase at this time of a well-known saying. Jefferson taught that "the sole function of government is to govern the people," leaving productive and other enterprises to individual effort. That is the rock on which

we have builded. It has proven a safe and sure corner stone. Shall we abandon it in this particular? There is not a single argument in favor of the government planting of forests that does not prove by the same degree that it should begin to raise cattle and wheat to meet the needs of the future. The whole doctrine is false and pernicious.

As a matter of truth, the country is worse alarmed than hurt over the lumber situation. It has been asserted publicly many times that in twenty or twenty-five years our lumber will all be gone. But that is a wild prediction in the face of the figures given by the same authority that our forest areas amount to 2 acres per capita, and the transition from wood to other materials for structural and fuel purposes was never so rapid as at the present time. Brick, concrete, metal, paper, and glass compose our buildings, bridges, and fences; while gases, oils, and electricity are fast supplanting wood in the production of heat, especially for domestic purposes. The people will not go houseless nor cold if not a single tree be planted.

But the people will prove themselves equal to this emergency, if one is at hand, just as they have met other important situations. They are already doing so. In California hard woods are scarce, but the people are not wringing their hands and waiting for the Government to come and plant such forests for them. By no means. They are doing just that thing for themselves. Let me read a paragraph from a recent issue of the San Diego Union:

From present indications the growing of eucalyptus trees promises to become an extensive and prosperous industry in San Diego County in the near future. At present the prospect is that many thousands of acres will be devoted within the next year or two to the growing of these trees. Already a very substantial beginning has been made. As was noted in these columns yesterday, in the Escondido country 1,500 acres will be planted this year. A San Francisco concern has 500 acres of a 4,000-acre tract there ready for planting, and a Los Angeles company has 700 acres ready for planting. Near Encinitas the Santa Fe has planted 800 acres on its 8,000-acre tract. The company has its own nurseries, and grows its trees from the seed. At present it has 25 men engaged in transplanting, and the force will be increased to 35 during the present week. The work of planting the entire tract of 8,000 acres, however, will take many months, as much of the land is covered with brush, which must be cleared. In various other parts of the county, notably in El Cajon valley, there is much interest in eucalyptus, and the planting is so extensive that the nurseries are hardly able to keep up with the demand.

What is being done in San Diego County is being duplicated in every county in my district as well as in other parts of California. And these plantings are not on sterile and inaccessible lands either, but on rich bottom land near railroads, and even down to tide water, where markets may be reached. I read, too, that in Eastern States the maple, birch, catalpa, and other good lumber woods are being planted privately. The American people can be depended upon to supply their daily needs in woods as well as in foods.

What is the matter with the Appalachians and the White Mountains? Nothing. Nor is there anything the matter with people living therein. They are abundantly able, and I think entirely willing, to solve their own problems.

The idea of afforesting these mountain sides should be largely abandoned and the meadow treatment substituted. Good grasses will grow wherever the soil will sustain enough tree life to affect the run-off of rains and snows. The meadows will give more immediate returns to the husbandmen, restore the soil more quickly, defeat erosion more effectually, and benefit the rivers below more surely. The ideal conditions are found where some trees are scattered through the meadows or where the wood lot is well sodded down.

In the Middle West this combination is common where the prairies break onto the river bottoms. What were rough, eroded clay hills, unproductive and uninviting a quarter of a century ago, are now valuable grazing and timber lands; and the Government did not buy nor plant a single acre. What the people of Iowa and Missouri have done, and are doing, the people of the Carolinas and New England can do.

It is unquestionably true that the subject of forestry has been a great "fad" of late years. In voluminous writings on it there has been little or no reasoning; only romancing. But we are near the end of that sort of thing now, and before the country is committed to this scheme of fabulous expenditures and disputed theories, let us have a more thorough examination of the business side of the question. Following paternalistic schemes is like running before the wind. There is but one safe rock on which this Government can stand—individualism, now and forever.

Section 4 of the bill is particularly objectionable to Representatives from national-forest States. Its provisions are as follows:

SEC. 4. That from the receipts accruing from the sale or disposal of any products or the use of lands or resources from public lands, now or hereafter to be set aside as national forests, that have been or may

hereafter be turned into the Treasury of the United States and which are not otherwise appropriated, there is hereby appropriated for the fiscal year ending June 30, 1909, the sum of \$1,000,000, and for each fiscal year thereafter a sum not to exceed \$2,000,000 for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1919.

In other words, \$1,000,000 this year and two millions each year thereafter for nine years; in all, \$19,000,000 are to be taken from the people of the West and used to buy back lands in Eastern States for which the owners have no further use, or think they have none.

I have heretofore raised my voice in this Chamber and elsewhere against the system of taxation which the National Forest Bureau is fastening on western industries, and I propose to continue to protest against it as long as I can find an opportunity to do so. This system is contrary to all precedent as well as to the theory of our institutions. From the beginning of our Government down to a few years ago it was the unvarying policy of this Government to give to the people the natural resources for their enjoyment, the increment inuring to the benefit of the individual. The lands in the great Mississippi Valley States, the mineral wealth of the East and the West, and the use of rivers and harbors were a free-will offering to those who would enter in and make profitable use of them. All of the products, too, were bestowed with the same idea of letting the citizens enjoy the bounties of nature. The pioneers in every State had free rails for their fencing, free logs for their houses, free range for their stock, and free hay for winter's use. Not one penny was collected for the benefit of the Public Treasury till the crest of the Rockies was crossed. Now all this is to be changed. The announced policy of the Forest Service is to "take all the traffic will bear" for every product of the West and collect every cent possible for the enjoyment of any of the uses of the forests. Few people in the East have any conception of the extent to which this matter of levying tribute is being carried. I do not charge any sectional feeling in this matter. The thing has grown up without direct sanction of law, but this section of the bill under consideration will tend to clinch it down and make it permanent.

I again assert what I stated on this floor a few weeks ago, that every avenue of taxation is sought out, and new ones are constantly being looked for. I then referred to a tax that is laid on apiarists in national forests, and I want to submit a receipt which came in my mail this morning. It reads as follows:

Form 627.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D. C., July 23, 1907.

(This certificate confers no rights, but is a mere acknowledgment that the remittance described on its face has been received.)

There has been deposited with me by John Hanretty, of Acton, Cal., a postal money order for \$5 on account of apiary, June 10, 1907, Santa Barbara National Forest.

GEO. E. KING, Fiscal Agent.

Acton is on the edge of the Mojave Desert in Los Angeles County, Cal., where no forests abound, but only sagebrush, cactus, and the yucca are seen. Mr. Hanretty, I am informed, is a veteran of the civil war, has an aged wife to support, and rolls in the luxury of a \$12 a month pension. A system of taxation that reaches the very meager income of such people must be considered almost complete. And this tax is laid for what? Ostensibly for the value of the nectar which the bees sip from the bloom of the sage and the cactus.

I have heretofore spoken of the burdens laid on the mining industry—charges of so much per year for a "permit" to operate a neighborhood quartz mill, and so forth—and the open and avowed policy of charging miners and stockmen as high rates as possible for timber for the mines and range for live stock. If now a new demand of two millions a year is laid on the western forests, we may be sure that new schemes of taxation will be devised and applied more relentlessly than at present. Against this system, or anything approaching it, I enter a most positive protest. It is unfair, inequitable, and unjust.

Not only are these burdens being laid upon industries which must bear their full share of the expense of the state and county governments, but the State's field of taxation is being invaded in a very important particular. Hydro-electric power plants located upon or whose wires cross any part of the national forests are being called upon to pay into the Federal Treasury large sums annually, though they are located upon nonnavigable streams which have their source in and traverse only one Commonwealth. They are in no particular interstate, and the right to gather revenue from them belongs and should be accorded to the States exclusively. In this particular I am not making an appeal to have these natural monopolies exempted from taxation. On the contrary, they should pay well for the special privilege which they enjoy. But the privilege—the use of state

waters—comes from the State, not from the Nation, and the State alone should enjoy the revenue.

I have somewhat unintentionally wandered from the main question before the House, but these matters of taxation and charges are so bound up in this bill that I could not lose the opportunity to raise my voice in protest against the evils which are being fastened upon the people and the States of the West.

Just one word more, Mr. Speaker. There has been some suggestion that because we have national forests in the West we should not oppose the same things in the East. That does not touch the point at issue. In the West the Government has simply taken charge of land which it already owns, and is engaged in preventing the destruction by fire and wasteful methods of lumbering of the forests which nature has bestowed upon us. It has never been the intention of Congress to "create an industry" out of the western forests, but only to husband what we have. Between that and buying old worn-out farms for the purpose of engaging in a productive industry there is a very wide difference, indeed.

Mr. WEEKS. Mr. Speaker, I ask unanimous consent that all who speak on this question be given permission to extend their remarks in the Record for two days.

The SPEAKER. Is there objection?

There was no objection.

Mr. WEEKS. Mr. Speaker, I yield one-half minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, I shall vote for this bill, but I can not now give the reasons. I will discuss another important matter, to wit: The creation of a new Cabinet place, to be known as the "department of national highways and good roads."

On Saturday last I introduced a resolution on the subject which I here insert:

House resolution 602.

Whereas the Supreme Court of the United States has finally decided and settled that Congress has the power to build highways and roads between the several States, whereby the general welfare can be greatly appreciated: Therefore

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to report to this House a proper bill for creating an additional member of the Cabinet, or department of government which shall be known as the "department of national highways and good roads," and report the same as soon as practicable.

The Supreme Court of the United States on January 7, 1907, in a unanimous opinion in the case of Wilson against Shaw, reported in Two hundred and fourth United States Reports, pages 3 to 35, for all time settled that Congress has the constitutional power to build "interstate" highways and other national roads. The question can be no longer mooted. State and interstate roads are greatly needed. Let this great national project start. Work it out with the limits of the constitutional powers of Congress, protecting at all times the rights of the States.

I extend my remarks by inserting pertinent extracts from the Supreme Court next alluded to:

SUPREME COURT OPINION.

Again plaintiff contends that the Government has no power to engage anywhere in the work of constructing a railroad or canal. The decisions of this court are adverse to this contention. In *California v. Pacific Railroad Company* (127 U. S., 1, 39) it was said:

"It can not at the present day be doubted that Congress, under the power to regulate commerce among the several States, as well as to provide for postal accommodations and military exigencies, had authority to pass these laws.

"The power to construct, or to authorize individuals or corporations to construct, national highways and bridges from State to State is essential to the complete control and regulation of interstate commerce.

"Without authority in Congress to establish and maintain such highways and bridges, it would be without authority to regulate one of the most important adjuncts of commerce.

"This power in former times was exerted to a very limited extent, the Cumberland, or National, road being the most notable instance. Its exertion was but little called for, as commerce was then mostly conducted by water, and many of our statesmen entertained doubts as to the existence of the power to establish ways of communication by land; but since, in consequence of the expansion of the country, the multiplication of its products, and the invention of railroads and locomotion by steam, land transportation has so vastly increased, a sounder consideration of the subject has prevailed and led to the conclusion that Congress has plenary power over the whole subject.

"Of course, the authority of Congress over the Territories of the United States, and its power to grant franchises exercisable therein, are and ever have been undoubted.

"But the wider power was very freely exercised, and much to the general satisfaction, in the creation of the vast system of railroads connecting the East with the Pacific, traversing States as well as Territories, and employing the agency of state as well as federal corporations." (See *Pacific Railroad removal cases*, 115 U. S., 1, 14; 8.)

In *Luxton v. North River Bridge Company* (153 U. S., 525, 529), Mr. Justice Gray, speaking for the court, said:

"Congress, therefore, may create corporations as appropriate means of executing the powers of government, as, for instance, a bank for the purpose of carrying on the fiscal operations of the United States, or a railroad corporation for the purpose of promoting commerce among the States. (*McCulloch v. Maryland*, 4 Wheat., 316, 411, 422; *Osborn v. Bank of United States*, 9 Wheat., 728, 861, 873; *Pacific Railroad*

removal cases, 115 U. S., 1, 18; *California v. Pacific Railroad*, 127 U. S., 1, 39.) Congress has likewise the power, exercised early in this century by successive acts in the Cumberland or National road, from the Potomac across the Alleghenies to the Ohio, to authorize the construction of a public highway connecting several States." (See *Indiana v. United States*, 148 U. S., 148. See also *Monongahela Navigation Company v. United States*, 148 U. S., 312.)

These authorities recognize the power of Congress to construct interstate highways. A fortiori, Congress would have like power within the Territories and outside of state lines, for there the legislative power of Congress is limited only by the provisions of the Constitution, and can not conflict with the reserved power of the States. Plaintiff, recognizing the force of these decisions, seeks to obviate it by saying that the expressions were obiter dicta; but plainly they were not. They announce distinctly the opinion of this court on the questions presented, and would have to be overruled if a different doctrine were now announced. Congress has acted in reliance upon these decisions in many ways, and any change would disturb a vast volume of rights supposed to be fixed; but we see no reason to doubt the conclusions expressed in those opinions, and adhere to them. The court of appeals was right, and its decision is affirmed. (See GAINES'S speech, 1st sess. 60th Cong., p. 4292; refers to this case, and historical data on National road and acts of Congress as to it.)

You will find in the first session of the Sixtieth Congress, page 4292, that I referred to this Wilson-Shaw case and other valuable historical data on the subject of good roads, giving in full the opinion of the Court of Claims in the case, which opinion was affirmed in the Supreme Court and is found in 148 United States, page 148 (cited supra). The opinion in this Indiana case contains a very valuable historical tracing of the national road and the several acts of Congress as to it. I had this opinion inserted in the Record for educational purposes on this subject. There are many calls on me for copies of this Supreme Court decision and the opinion in the Indiana case, and I take this way of citing the Members and the public to the Record where these authorities can be found.

Mr. WEEKS. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. COCKS].

Mr. COCKS of New York. Mr. Speaker, I doubt very much if anything I can say will change any votes in this House. I am very much in favor of this bill, although I come from a district that will not be affected and can not possibly derive directly any benefit from this provision. This bill has been under consideration in our committee for a long time. We have had numerous hearings on it. The subjects embraced here are of vast importance to this country. It is the beginning of a policy that may be a departure from anything heretofore started by this Government with regard to our forest reserves, but I know not that that is any reason why we should not begin. The conservation of our forests and our stream flow is as important as anything with which we have here to deal, and which is of such great advantage to the country generally. We believe that this bill has been so drawn as to safeguard in every way the acquisition of these lands, that they shall only be acquired after due and careful consideration by a commission, which it is fair to assume will be composed of men of as good judgment as any we could possibly select, representing both branches of this Government, and we fully believe that a very large number, perhaps a large majority, of the people of this country are in favor of it.

The SPEAKER. The time of the gentleman has expired.

Mr. SCOTT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I think this is one of the most vicious measures ever presented to this House. It provides for the expenditure certainly of \$19,000,000, and probably for \$750,000,000. It provides for the expenditure of this money for a purpose not needed at a time when the Public Treasury is bankrupt. To-day we have a deficiency of \$86,000,000 in the Public Treasury, and at the end of this fiscal year that deficit will amount to \$150,000,000.

I fail to understand where the Appalachian and the White Mountain ranges connect, except, perhaps, in the combination which has evidently been made to get votes for this measure.

Mr. GARRETT. They will connect at the Treasury Department if this measure passes.

Mr. MADDEN. That is where they will connect. I have been wondering whether, if this bill becomes a law, the campaigns of the candidates for Congress in the districts embraced in this forest reserve will be made upon the question of the tariff or whether the campaigns will be fought out on the question of how many farms the candidates can sell to the Government of the United States at a high price.

It is not fair to the American people to pass a law like this, authorizing a commission without any experience to buy lands at an unknown price, in indefinite quantities, without a knowledge of what is to be accomplished by the purchase of the lands. Here we are embarking on a scheme that involves the expenditure of a million dollars the first year, \$2,000,000 a year thereafter for nine years, and authorizes the purchase of 75,000,000 acres of land anywhere on the continent of the United States at

any price that the commission appointed in the bill may see fit to pay.

We are considering this measure, which is of such vast importance, under suspension of the rules, and under suspension of the rules no Member of this House has any right whatever to offer an amendment to the bill, so that no matter how anxious any person here may be to propose an amendment that would perfect the bill in some way and make it more acceptable to the general public, no such opportunity is afforded; and because no such opportunity is afforded, and because I believe the bill to be vicious, and because I believe that, if it is enacted into public law, sooner or later it will create public scandal, I propose to vote against the bill.

The SPEAKER. The time of the gentleman has expired.

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. MADDEN. My time has expired.

Mr. SCOTT. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, five minutes is not time enough to discuss the provisions of this bill. The measure before the House for consideration to-day does not betray the real purposes of those back of this scheme. I do not mean to impugn the motives of gentlemen who are urging the passage of this bill, but I do say, and wish I could impress upon the minds of gentlemen here, the fact that it does not disclose the real purpose of those who are advocating the passage of the so-called "Appalachian forest bill."

Let me say to the Members of this House, if we pass this measure to-day, which takes from the Federal Treasury \$1,000,000 this year and \$2,000,000 for the next eight or nine years to come, that when that money shall have been spent we will have embarked upon a scheme the completion of which will take from the Federal Treasury \$900,000,000 or \$1,000,000,000 for which the people of the United States will receive practically no benefit. [Applause.]

Gentlemen talk about preserving the average flow of streams. I want to say to you that scientific men who have studied this question and have expressed their opinion upon it tell us that the streams in the region affected by this bill are not prejudicially damaged by reason of the denudation of the forests, but justify the conclusion that the damage more likely results from the farming of the lowlands adjacent to the streams. When we begin, Mr. Speaker, the buying of mountain ranges throughout the country from untold numbers of people, regardless of cost; when we commit the United States Government to the stupendous task of regulating and controlling when and how much timber every man shall cut for his firewood or for lumbering purposes, it will not be long before we will be called upon, in the interest of the preservation of stream flow, to regulate how the people living in the mountain regions shall cultivate the lowlands.

If we pass this bill to-day we will soon be called upon to authorize the Secretary of Agriculture, without limitation or restriction, to go into the open markets and buy mountain lands at such prices as the owners may place upon them. The purpose which brings this measure before the House to-day will not be accomplished until the Federal Government shall have purchased land aggregating something like from 75,000,000 to 100,000,000 acres of worthless lands, all in the interests of preserving the average flow of water in the spring branches and small rivers which flow from the Appalachian Mountains. I say it would be better and, in my opinion, less expensive to take money from the Federal Treasury and buy at the market price all the commerce which will pass over any of these streams for the next fifty years.

This scheme will cost the people of the United States far more than that great project to which we all give support, the construction of the Panama Canal, without any corresponding benefit and privileges to the American people.

Mr. Speaker, I would like, if I had the opportunity, to discuss the provisions of this bill; but in the five minutes allotted me I can not do that. Therefore I have contented myself with defining my position on this question and announcing to the House that I intend, in obedience to the oath I have taken, as a matter of fidelity and integrity to those I represent, to cast my vote against this scheme, which I believe to be fraught with more harm and more danger to the American people than any measure which has yet been before this Congress. I yield back whatever time I have remaining. [Loud applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. WEEKS. I now yield to my colleague from Massachusetts [Mr. LAWRENCE].

Mr. LAWRENCE. There is an increasing demand throughout the country for a broader and more liberal policy in the de-

velopment of the Nation's waterways. That demand has been voiced in speeches by the President, by Mr. Taft, and Mr. Bryan at conventions of both the great political parties, by resolutions adopted by the Rivers and Harbors Congress, by chambers of commerce, and other representative bodies. It is undoubtedly true, as stated in the report of the Inland Waterways Commission, that while our waterways are better adapted to the needs of the people than those of any other country, yet the rivers of no other civilized country are so poorly developed, so little used, or play so small a part in the industrial life of the Nation. It has been stated by a recognized authority that one of the causes, if not the chief cause, for Germany's industrial success has been reduced cost of transportation made possible through comprehensive development of her waterways.

There is little doubt that in response to the demand of which I speak Congress will make more liberal appropriations in the future than it has in the past toward the solution of the problems of water transportation. This will involve consideration of questions relating to the development of navigation and of water power in connection therewith, the construction of reservoirs at the headwaters of our streams, and the treatment of every river system as a unit. It is folly for the Government to expend great sums of money in the development of our navigable streams and at the same time pay absolutely no attention to the preservation of the forests at their headwaters.

I am one of those who believe that the people receive as great returns from the investment made in river and harbor work as from any other investment made by the Government, and I am also convinced that the benefits to be derived from the expenditure proposed in this bill can hardly be overestimated. The fact can not be disputed, I think, that mountain forests are of the greatest benefit in preventing floods, in maintaining navigable depths, and in retaining the soil upon the mountains. Large sums of money now expended for dredging will be saved if we can prevent gravel, sand, and silt from being washed into our streams, thereby filling up the channels and forming obstructions.

Every friend of waterway development should vote for this bill. It is not only an important but a necessary step in the accomplishment of that which they so much desire. The report of the committee presenting this bill calls attention to the comprehensive schemes of protecting forests at the headwaters of mountain streams now being worked out in other countries. No one can estimate how much would have been saved had these countries acted more promptly. The United States should heed the lesson, and there should be no further delay. [Applause.]

Mr. WEEKS. I yield three minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Speaker, I regard the passage of this bill as a matter of absolute necessity for the protection and preservation of the water powers and the agricultural lands of North Carolina and the whole South, as well as New England. I think gentlemen are unnecessarily alarmed about this bill. The gentleman from Illinois [Mr. MADDEN] argued that the bill would take a large amount of money from the Federal Treasury. It is true that the bill does provide for the expenditure of \$19,000,000, but the funds to be used under the provisions of the bill are derived from the amount of moneys which come into the Treasury from the sale of the products or the use of the resources of the national forests, so far as they are not now appropriated. The law at present provides that 25 per cent of the money so received shall be paid to the States or Territories in which such forests are located for schools and road purposes. It is to be particularly noted that this bill does not change that plan, but rather extends it to the States or Territories in which the national forests may be acquired.

Section 4 of the bill provides:

That from the receipts from the sale, or the disposal of any products, or the use of lands or resources from the public lands now or hereafter to be set aside as national forests that have been or may hereafter be turned into the Treasury of the United States and which are not otherwise appropriated, there shall be available \$1,000,000 for the fiscal year ending June 30, 1909, and not to exceed \$2,000,000 for each fiscal year thereafter, to be used in the examination, survey, and acquirement of lands located on the headwaters of navigable streams, or those which are being or which may be developed for navigable purposes.

And further provides that the provisions of this section shall expire by limitation on June 30, 1919. The expenditure of the money is to be gradual and judicious. The sections of the country to be particularly benefited are parts of the States of Tennessee, Virginia, Alabama, Georgia, Kentucky, North Carolina, West Virginia, South Carolina, and Maryland, in which are located the Southern Appalachian Mountains, and the States of New Hampshire and Maine, in which are located the White Mountains. Forest reserves have already been established in the Western States of the United States.

I am unwilling to expend any money either from the Federal Treasury or from the receipts from the public lands set aside as national forests unless I believe that the expenditure of the money is necessary and for the benefit of the people. But the cry of "economy," used as an argument against this bill, comes with poor grace from some of the Representatives upon the floor of the House, who are willing to vote \$3,500,000 per year for ship subsidy and large sums of money for other objects and purposes.

The expenditure of this money under this bill, safeguarded as it is and not a direct charge upon the Federal Treasury, is absolutely necessary, in my opinion, for the interest of my State and of the South. The bill has been carefully considered, and, as amended by the House substitute for the Senate bill, it is within constitutional limitations.

Mr. Speaker, the passage of the measure is necessary, in the first place, for the preservation of our inland waterways and navigable streams. The relation of forests to the use of the inland waterways is shown by the following quotations from the reports of the Inland Waterways Commission and the National Conservation Commission:

RELATION OF FORESTS TO THE USE OF INLAND WATERWAYS.

Our river systems are better adapted to the needs of the people than those of any other country. In extent, distribution, navigability, and ease of use they stand first. Yet the rivers of no other civilized country are so poorly developed, so little used, or play so small a part in the industrial life of the Nation.

The first requisite for waterway improvement is the control of the waters in such manner as to reduce floods and regulate the regimen of the navigable streams.

Every stream should be used to the utmost; every river system, from its headwaters in the forest to its mouth on the coast, is a single unit and should be treated as such.

A mountain watershed denuded of its forest, with its surface hardened and baked by exposure, will discharge its fallen rain into the streams so quickly that overwhelming floods will descend in wet seasons. In discharging in this torrential way the water carries along great portions of the land itself. Deep gullies are washed in the fields, and the soil, sand, gravel, and stone are carried down the streams to points where the current slackens. Since the extensive removal of the forest on the upper watersheds there has been a vast accumulation of silt, sand, and gravel in the upper-stream courses. Examples of reservoirs completely filled are already to be seen on almost every stream. In the degree that the forests are damaged on the high watersheds, then inevitable damage results to water power and navigation through increased extremes of high and low water and through vast deposits of gravel, sand, and silt in the stream channels and in any reservoir which may have been constructed.

The chief obstacles to navigation, then, are lack of water during portions of the year and detritus which is washed into the streams and gradually fills the channels or forms obstructions at the mouth. Were the flow uniform the amount of water carried by a river during the year would be sufficient to provide a good depth at all times. But the flow is uneven; there is too much water at one time and not enough at another. The floods of the spring waste the water which should be available to maintain a navigable depth during the summer and fall. To lessen this inequality of flow should therefore be the aim of all measures for the development of our waterways. If the rivers could be kept always in gentle flood, a relatively small expenditure for reservoirs, locks, and dams would be required. In the same way, if means could be found to prevent silt and sand from being washed into the streams the enormous cost of dredging would be largely done away with. The function of the forest and of the humus beneath as a storage reservoir is of high importance, yet in relation to navigation and the storage of storm waters the influence which the forest has in checking erosion is of equal, if not greater, value.

In the Southern Appalachians the fullest use of water resources can be secured only by carefully guarding the natural conditions which control them. The valuable water resources of this region depend absolutely upon the maintenance of a protective forest cover. Without this forest cover the water power of the region can never be developed to the full, and in the same way the navigable streams can not be kept from silting up if the forest cover about their headwaters is removed. The protection of these areas is a large undertaking, but it is necessarily the first undertaking, since it is fundamental to the development and utilization of the water resources. If the forest is not first protected, damage to water resources will be far-reaching. If the forest is preserved, the benefits from the standpoint of water utilization will be widely diffused, even far beyond the borders of the Appalachian region.

The opinions here quoted represent the almost unanimous views of all who have investigated the relation between mountain forests and navigable rivers.

The bill which the Committee on Agriculture has reported is in line with the policy of conservation as recommended by the President and the National Conservation Commission. It provides for especially an adequate programme of protection to the mountain forests by giving the Federal Government the right to cooperate with the States or with private individuals, and by the acquisition of lands where such are necessary. Further, it provides the most natural arrangement for defraying the cost of such acquisition, that of using the funds which come to the Treasury from the national forests already established, and the bill necessitates the appropriation of no additional sums of money in carrying out this project. It has been the policy of the Government to improve its navigable streams by the expenditure of large sums of money, in some cases at their headwaters. If the National Government has the power to dredge the rivers, harbors, and navigable streams

of the country, it also has the power, in the opinion of the Judiciary Committee, to conserve and protect the stream flow of the navigable streams from the source or headwaters to the mouth of such navigable streams.

The passage of this measure is also, in my opinion, necessary for the preservation of the water powers of New England and the South. According to the Baltimore Manufacturers' Record, in a very clear and comprehensive article upon the "South and its resources," the South to-day has about 5,000,000 horsepower, estimated, of water power within its borders. Hardly 500,000 horsepower of the water power in the southern streams has yet been made available for economic purposes. North Carolina especially is rich in water power, and cotton mills are scattered throughout the length and breadth of the State, most of them operated by water power as well as steam.

The following statement shows the increase in the manufacturing interests of North Carolina as far as cotton mills are concerned:

Cotton mills.	1880.	1900.	1908.
Spindles.....	92,385	1,134,900	2,878,148
Looms.....	1,700	25,409	53,446
Cotton used.....pounds..	11,832,641	190,138,759	296,192,851

The extent of water power in the South which would be directly or indirectly benefited by the establishment of forest reserves is fully stated in the article to which I have referred from the Manufacturers' Record, and which is inserted as a part of my remarks, as follows:

SOUTHERN WATER POWER.

One resource in southern production has just begun to be really developed—the water powers in Maryland, Virginia, West Virginia, the Carolinas, Georgia, Alabama, Tennessee, Arkansas, and Texas. Most of them are in streams that flow from the Appalachians. Their potentialities are indicated in the following table, showing the estimated minimum horsepower in certain rivers:

Stream.	Estimated minimum horsepower.	
	For the year.	For six high-water months.
Potomac.....	131,800	349,556
James.....	155,000	236,474
Roanoke.....	131,000	215,709
Pedee.....	167,800	256,945
Santee.....	319,590	472,000
Savannah.....	209,000	314,000
Chattahoochee.....	145,000	228,800
Coosa.....	104,580	177,880
Monongahela.....	58,900	235,715
Great Kanawha.....	335,000	853,420
Tennessee.....	973,000	1,689,474
Total.....	2,731,270	4,929,474

This estimate does not deal fully with such streams as the Big Sandy, Cumberland, Kentucky, Tallahassee, Catawba, Shenandoah, Congaree, Etowah, Cheat, Hiwassee, Clinch, White, Ohio, Red, Brazos, Trinity, and the Rio Grande; nor does it include potentialities of streams with less than 500 horsepower. It is, in effect, merely suggestive of the power that will belong to the South when all such water resources have been properly made available under a system that will provide for protection of the headsprings of the streams and for the conservation, as far as possible, by means of storage reservoirs or otherwise, of the regularity of their flow. Hardly 500,000 of the water power in southern streams has yet been made available for economic purposes.

So that, Mr. Speaker, this bill, I believe, is in line with the progress and development of the section of the country from which I come. I want to do everything which will aid and help the development of that great section of our country—the Southland—and I do not want to do anything that will retard its growth and progress. For the past twenty years capital has realized the richness of the South and has come into that section of the country prepared to cooperate with our people in its development. The energy of our southern people, combined with the South's great resources and the influx of capital, has caused the South to go forward within the last two decades and to make most marvelous progress. As has been well said by an eminent writer—

The South blooms with wonderful groves and orchards; her map is a maze of railroads; the throb of machinery, the clang of manufactories, the whirl of her mills, the glisten of her golden grain fields, the wondrous white of her cotton patches, the uncovering of the myriad veins of mineral wealth that mesh her confines—these and many values more present the picture of now.

The South must go forward and not backward, and this bill will help to protect and develop her wonderful resources in water power.

Mr. Speaker, the protection of the navigable streams, the preservation of the water power of this country, and especially of my State and the South, I honestly believe to be involved in this bill, and I think its passage to be absolutely essential. The amount of money is small in comparison with the benefits which will be reaped. It has been suggested that a good part of this money is not to be used in the South, but would go to New England. Under the provisions of this bill as framed I am satisfied that the South will have a square deal, and the Southern Appalachian region will get its fair proportion of this money, as well as the mountains of New England, the White Mountains. This is a national as well as a state matter. In fact, it is neither state nor sectional, but national.

The passage of this bill is also necessary, Mr. Speaker, for the prevention of floods and flood damage. Flood damage in the United States has increased from \$45,000,000 in 1900 to \$118,000,000 in 1907. All of the rivers on whose watersheds the forests have been heavily cut show flood increases. In eastern Tennessee and western North Carolina, in the region in which the forests have been heavily cut, great floods of water sweep down the mountains, denuding the agricultural lands and sweeping away millions of dollars' worth of property.

The passage of the bill is also necessary, Mr. Speaker, for the prevention of soil wash. The annual soil wash in the United States is estimated by the Inland Waterways Commission at about 1,000,000,000 tons, of which the greater part is the most valuable portion of the soil. It is carried into the rivers, where it pollutes the water, necessitating frequent and costly dredging, and reduces the efficiency of the work designed to facilitate navigation and prevent floods. Soil, when once lost, is replaced with great difficulty, if at all. Consequently the protection of the forest on the slopes, which are too steep otherwise to be utilized, means actually an immense gain in soil. The forests, when protected and preserved, act like a sponge. They absorb the water, thereby preventing floods and freshets, and they also give out the water, thereby irrigating the agricultural lands.

The Committee on Agriculture, in the report signed by every Democrat upon it except two and by every Republican except three members, shows further that the experience of other countries proves that the protection of the forests at the headwaters of important streams is imperative.

The committee says:

The relation of the mountain forests to the navigability of inland water is the same the world over. Every country that has maintained an even and sufficient flow of streams for the purposes of commerce has had to maintain and in some cases establish upon the headwaters of the streams forests to hold the soil in place and to prevent overwhelming floods.

Germany stands in the forefront of nations in inland waterway development, and she has all of her high mountains protected by forests. These forests have been under government management for a hundred years and they are the most productive and profitable in the world, yielding an average net return of \$2.40 per acre.

The stripping of the forests from the mountains of France was unchecked until 1860, by which time 800,000 acres of farm land had been ruined or seriously damaged and the waterways practically destroyed. The population of 18 departments had been reduced to poverty and forced to emigrate. A futile attempt was then made to check the torrents by sodding. It was only by the acquisition by the Government of the bare lands, the building of stone walls for the gathering of silt and the planting of trees on the soil held in check by those walls that satisfactory results were accomplished. The cost of this method has often been as much as \$50 per acre. By 1900 \$15,000,000 had been spent and the French Government has continued the work by acquiring each year 25,000 to 30,000 acres of land. The present programme calls for the expenditure of \$50,000,000 on this work. About one-fourth of the mountain streams have been brought under control and the balance are beginning to show indications of improvement.

Italy has suffered extremely from the ruin which follows the removal of protective forests. One-third of all the land is unproductive, and though some of this area may be made to support forest growth, one-fourth of it is beyond reclamation, mainly as the result of cleared hillsides and the pasturing of goats. The rivers are dry in summer; in spring they are wild torrents, and the floods, brown with the soil of the hillsides, bury the fertile lowland fields. The hills are scored where the rains have loosened the soil, and landslides have left exposed the sterile rocks, on which no vegetation finds a foothold. Such floods as that of 1897, near Bologna, which did over \$1,000,000 damage, destroy property and life.

The dearth of wood and especially the great need of protecting forests to control stream flow have brought some excellent forest laws. In spite of the first general forest law (1877), which regulated cutting and forbade clearing on mountain slopes, large areas have persistently been cleared, and though provision has been made for thorough reforesting work, very little of the needed planting has been done. The classification of the lands to which restriction shall and shall not apply is a constant matter of dispute. An effort has been made to show that the forest planting contemplated by law is largely unnecessary. The last point, however, has been safely settled by recommendations of a recent commission, which declare that at least 500,000 acres will have to be planted, at a cost of not less than \$12,000,000, before the destructive torrents, brought on by stripping and overgrazing the hillsides, can be controlled.

Spain has suffered greatly from destructive floods caused by insufficient forests on the mountains. She has enacted an elaborate system of laws to prevent overcutting, but the indebtedness of the country has prevented the efficient carrying out of these laws.

Other countries which are working out comprehensive schemes of protecting forests at the headwaters of mountain streams are Eng-

land in India, Switzerland, Austria-Hungary, Norway, Sweden, Denmark, Russia, Roumania, and Japan.

China holds a unique position as the only great country which has persistently destroyed its forests. What has been done in other countries stands out in bold relief against the background of China, whose mountains and hills have been stripped nearly clean of trees, and whose soil is in many districts completely at the mercy of floods. Trees have been left only where they could not be reached. Streams which formerly were narrow and deep, with an even flow of water throughout the year, are now broad, shallow beds choked with gravel, sand, and rocks from the mountains. During most of the year many of them are entirely dry, but when it rains the muddy torrents come pouring down, bringing destruction to life and all forms of property. In a word, the Chinese, by forest waste, have brought upon themselves two costly calamities—floods and water famine. The forest school just opened at Mukden is the first step in the direction of repairing this waste so far as it now may be repaired.

The results of deforestation in China are particularly discussed and graphically illustrated in the President's annual message to the second session of the Sixtieth Congress.

CONCLUSIONS.

The great increase in floods in our rivers, together with the increasing property loss and annual loss of soils, shows that in some sections of the country we are rapidly approaching the situation in which China now finds herself. It is not now too late for nature to restore the forests on the mountains, but the time is rapidly coming when it will be. The question of protecting the forests at the headwaters of the streams is a national as well as a state problem. It is not right to expect the State to deal entirely with areas requiring protection when those areas affect chiefly other States. It is impossible for States which suffer from conditions outside their own territory to remedy them by their own action. The mountains of the West are already largely under government protection. So far as they are not protected this bill is applicable to them. It is applicable to all other sections of the United States in which the source streams of the navigable rivers lie in nonagricultural, mountainous regions, and it is believed that it will accomplish the necessary protection to the Southern Appalachians and White Mountains.

If the action which this bill proposes is taken by Congress, it will work out to the great benefit of both agriculture and the manufacturing industries, while to the permanent development of our inland waterways the benefits will be fundamental.

Under the provision of the agricultural appropriation bill approved March 4, 1907, which directed the Secretary of Agriculture to make an investigation of the area and location of lands needing protection by the establishment of forest reserves, the Secretary of Agriculture specifically designated the Southern Appalachian and White Mountains of New England as areas in need of protection. He specifies the lands of the Blue Ridge Mountains of North Carolina and other States, the Allegheny Mountains of Virginia and other States, the Cumberland Mountains of Kentucky and other States, and the White Mountains of New England. He declares that forest reserves must be established in these regions "before the watersheds and important streams are adequately safeguarded."

Now, Mr. Speaker, having discussed the bill as fully as possible in view of my limited time, I have only to add that I believe this measure is consistent with wise public policy and broad statesmanship and that it is for the best interests of the development of my own State, the South, and the whole country. [Applause.]

Mr. SCOTT. Mr. Speaker, I yield four minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, this bill comes as a fitting climax to the talk of economy we have been hearing on each side of the House. I have been one man from the Far West who has not opposed the Forestry Service. I am in sympathy with the general plan of national preservation of our forests, but in this bill we are asked to enter upon an expenditure of money the amount of which no man has stated, and no man will even attempt to guess. Such bills as this must eventually lead to the discredit of the Forestry Service, unless they cease advocating them. In the first place, we appropriate \$25,000 annually for salaries, \$100,000 for fire protection, \$2,000,000 annually for the purchase of forests, and how much it will cost to join with the States and protect state lands or how much it will cost to join with private individuals and protect their lands no one has attempted to tell you. It will amount to many millions annually. Yet all this vast expenditure is placed within the hands of one man—the Secretary of Agriculture—and we have nothing whatever to do with the selection of the lands to be bought or of the expenditure of the money. If we pass one or two bills of this character, we might just as well adjourn and go home and leave the departments to run this Government. By this bill we place our duties upon one man.

This bill rests upon a false foundation. The very most that can possibly be claimed for this bill is that all these expenditures are based upon a disputed state of facts. An attempt has been made to evade the Constitution by placing this bill upon the ground that forests protect stream flow; that forests prevent flood and extreme low water, and erosion, and the filling of streams with silt. I hold here in my hand a discussion of these very subjects by 23 of the leading engineers of this country, and, so far as I have found after a

hurried examination, not more than 4 out of the 23 contend that forests have such effect upon stream flow. The vast majority of the engineers of this country and in Europe, the men who should know, contend that forests do not have any such effect. Yet this House is asked, after a debate of an hour on a side, to permit the Secretary of Agriculture to spend countless millions of dollars upon a theory that is disputed by the very men who are the most competent to know. We can not afford, in this hurried way, to give the Secretary of Agriculture such vast power. Certainly we should know the facts. Certainly no man can desire to conceal the truth. The weight of the evidence is that the buying of these lands would not bring the results sought by the bill. If this is true, certainly no man will ask for the expenditure of all these millions under false pretenses. Let us wait until we get the truth.

We are spending enough money where it is necessary without embarking on expenditures of millions simply because somebody advances the theory that if we buy a lot of worthless hills at an exorbitant price and reforest them it will help navigation. There is a strong motive for this contention. Unless this is true, the Constitution stands in the way of the scheme.

Those who favor it should come here not with the preponderance of the material evidence against them, but with clear and convincing proof that they are right. This they have not done.

Public sentiment in this country has been influenced for this legislation by the great power companies who will profit by it. This legislation is for their interest and they have spent millions to bring about its enactment. If this work is necessary, if it should be done, it should be done by the States that are benefited.

[Mr. COLE addressed the House. See appendix.]

Mr. WEEKS. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has thirty minutes remaining.

Mr. SCOTT. I do not like to question the accuracy of the timekeeper, but my recollection is that the gentleman from Massachusetts himself used thirty minutes, or very nearly that.

The SPEAKER. The timekeeper says that the gentleman from Massachusetts used nineteen minutes. The gentleman from Massachusetts has thirty minutes remaining and the gentleman from Kansas forty-two minutes.

Mr. SCOTT. I will yield three minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, my objection to this bill is not based on any sectional proposition. I have never in this House uttered a sectional word, but my objection to the bill is based upon its fundamental features. It is a bill which, in my judgment, is predicated upon mingled selfishness and doubt. It is a bill concerning the scientific phases of which there is great dispute.

Gentlemen, eminent engineers have studied the question for years minutely, and among those gentlemen we find grave questions of difference as to the efficiency and efficacy of the remedy here proposed to be applied.

But, aside from that, the extreme extent to which the legal proposition goes would cause me to oppose the bill. If I understand correctly, this bill lays down the principle that the Government can go to a spring that runs into a branch, that runs into a creek, that goes into another creek, that runs into a little river, that runs into a larger river, and reserve and improve that spring for the benefit of navigation. [Laughter.] If that is true and sound as a legal proposition, then the next thing will be for Congress to dig artesian wells at the head of every branch, in order to increase the flow into the creek, that goes into a larger creek, that goes into a river, that flows into a navigable stream, and if, perchance, you can not get the artesian wells, then put down a well and hire men under the civil service to run a pump to fill the stream. [Applause and laughter.] Mr. Speaker, I yield back the remainder of my time.

Mr. SCOTT. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. COX].

Mr. COX of Indiana. Mr. Speaker, as was well said by the gentleman from Tennessee [Mr. GARRETT], this is not a question of State aiding State or the Government of the United States aiding any particular States of the Union, and my opposition to the bill does not arise from any sectional feeling whatever; but I bottom my objection I have against the bill to the policy of the Government of the United States entering into a business of this kind. I recall when the agricultural appropriation bill passed this House it carried with it an appropriation, in round numbers, of \$4,600,000 for the purpose of paying the army of inspectors now at work in the Forest Reservation Service of the United States, and should the Government enter upon this policy and buy the 75,000,000 acres of

land, which can be bought, according to the minority report of this committee, what a mighty army of men that will put in the employ of the Government of the United States.

I may also add what an enormous cost it will be to the great mass of the taxpayers of this Government. When the revenues of the United States in round numbers are eighty-five or eighty-six million of dollars below its receipts, is it time for us to enter upon this policy of buying all the waste land in the White and Appalachian ranges for the sole purpose of conserving the forests of the United States or for the purpose of aiding navigation, when that is a very mooted and disputed question as to whether or not it will aid it in the least? For the reason, therefore, that it is going to add untold millions of dollars to the deficit of the Treasury of the United States and add to the pay rolls of this Government a vast army of men for its support and maintenance, and, in my opinion, it is undemocratic, I oppose the bill.

If this bill becomes a law I can see countless thousands of men in the employ of the Government as timber superintendents, timber inspectors, clerks, and a host of others, and the great mass of the people paying the bills for this additional army of government employees. It is objectionable for the reason that it permits the Government to enter into the States and buy up lands belonging to the States or to citizens of States. It is the worst case of an attempt of federal usurpation I ever saw in my life. There is too much of government usurpation already. Let the States do these things, and not forever look to the Government for the doing of the same things which the States ought to do themselves. I am opposed to the bill and hope it will be defeated.

Mr. WEEKS. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Speaker, after persistent agitation extending over many years a definite forward step has been taken in the matter of forest conservation and protection of the sources of water supply by the report submitted to the House from the Committee on Agriculture to accompany the bill S. 4825. These recommendations, while falling far short of the hopes of the friends of this movement, show an appreciation of the stupendous importance of action in the direction of putting a stop to the criminal waste and destruction of the watershed forest growth.

INTERESTS OF NEW ENGLAND.

Perhaps no section of the country is more vitally interested in this matter than New England. It is not too much to say that the future welfare and prosperity of the eastern part of the United States, and especially of New England, depend upon the adoption of the policy recommended by the committee. We have seen the powerful streams which furnish the power for our great mills shrink from torrential flows to dwindling, feeble rivulets. Millions in capital are invested along these streams, and hundreds of thousands of workers are dependent upon the regular flow of the streams. The ruthless cutting of the forest covers on the mountain sides threatens the destruction of the great manufacturing industries of our section by making it impossible to secure regularity of power. When measures of this nature were first proposed by farsighted men, it was the custom to sneer at what was regarded as an effort to launch the Government in a policy of scenery purchasing.

Since then, however, there has been a gradual awakening of the public mind to the imminence of the danger to our country from further neglect to conserve these great resources. From every mill owner and agent on the eastern slope of the continent, from every hydrographic engineer and representative of water-power interests, from trades and commercial bodies, chambers of commerce and representative associations of our citizens everywhere has come the warning and the demand. The President has recently sent to the Congress an appeal for this or similar legislation. We all remember the graphic photographs which it contained illustrating the barren wastes of mountain and valley in China, the terrible results of the erosion of the mountain slopes and the destruction of all life where once there had been great forests and fertile valleys. The Chief Forester, a diligent student of the subject, has repeatedly urged this legislation. The Secretary of Agriculture has recommended it in all his reports.

PRACTICAL NEED OF THE MEASURE.

The æsthetic and sentimental side are of great importance, but they might hardly warrant a step of such magnitude as is contemplated. In this matter, however, their importance is secondary to the considerations of a practical nature. The Government will not take this step as an investment in scenery or parks, admirable as I believe such investment to be, but because the forests have other uses than to supply inspiration as things of beauty. We have learned that they shelter the or-

chards and the fields from the rush of freezing and drying winds; that they keep mountains and hills and slopes from being washed down into the valleys, where they would choke the streams, cover the fertile lands with rocks and gravel, and carry away the soil on which the farmer depends for his livelihood. With the forest living and growing, the mountain slopes are great natural reservoirs, seeping up the rainfall in the spongelike soil and regulating its flow to the streams and rivers as nature intended. With the mountains denuded of their forest growth, the rainfall rushes unchecked into the valleys, carrying rocks and gravel and soil, and the rivers become raging torrents for short periods, and then dry up or run sluggishly until the next rainfall.

Aside from these considerations is that of the enormous losses caused by forest fires, due almost wholly to reckless methods of lumbering, which would be impossible under national forest supervision. For weeks every autumn the air in great sections of our country is thick with the smoke of burning woods and mountain slopes, millions of dollars' worth of property is consumed annually, and the growth which required generations is destroyed in days. Such conditions would be impossible under the provisions of this bill, and adequate fire patrol would be furnished, lumbering operations would be carried on in a scientific way, reforestation would restore the barren hillsides, and dead and waste lumber, always a menace in fires, would be removed.

THE SUBJECT ONE FOR NATIONAL ACTION.

This is a subject of national importance and for national action. States can not be expected to expend large sums for the protection of the sources of a water power which they can not themselves utilize, nor can the States which use the water power reach the sources thereof to protect them. Forest conservation must be regarded as an essential of national prosperity. Its inevitable tendency will be, not to withdraw from use the remaining forests of these mountains, but to insure a never-failing source of lumber and other forest products for future generations, as well as the perpetuation of water power of incalculable value.

Few measures have come before this body this year which have been the subject of so much general understanding or which have met with more general interest and enthusiasm throughout the country than the measure we have before us to-day. Both of the political parties in their last conventions put in their platforms words which specifically approve the plan of forest conservation, a forward step in which this bill endeavors to take.

Mr. SCOTT. I wish the gentleman would quote the language.

Mr. PETERS. I will be very glad, indeed, to do so. I will now read from the Republican platform:

We indorse the movement inaugurated by the administration for the conservation of the natural resources. We approve the measures to prevent the waste of timber. We commend the work now going on for the reclamation of arid lands, and reaffirm the Republican policy of the free distribution of the available areas of the public domain to the landless settler. No obligation for the future is more insistent, and none will result in greater blessings to posterity. In the line of this splendid undertaking is the future duty equally imperative to enter upon a systematic improvement upon a large and comprehensive plan, just to all persons of the country, of the waterways, harbors, and Great Lakes, whose natural adaptability to the increasing traffic of the land is one of the greatest gifts of benign providence.

That, Mr. Speaker, answers specifically the question the gentleman from Kansas asked me and removes the doubt he attempted to cast on my statement. The Democratic platform says:

We repeat the demand for internal development and for the conservation of our natural resources contained in previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party; and to that end we insist upon the preservation, protection, and replacement of needed forests, the preservation of the public domain to home seekers, the protection of the natural resources in timber, coal, iron, and oil against monopolistic control, the development of our waterways for navigation and every other useful purpose, including the irrigation of arid lands, the reclamation of swamp lands, etc.

TREMENDOUS INTERESTS DEPENDENT UPON WATER POWER.

Some appreciation of the tremendous interests dependent upon the water power for their existence may be had from a perusal of the figures in the last census, so far as they relate to the States on the eastern slope of the country which would be affected by the pending bill.

In 1900 the aggregate motive power in these States was 11,300,081. Of this total, water power (water wheels only) supplied 1,727,258, or 15.3 per cent, as follows:

Massachusetts	187,848
Vermont	87,615
New Hampshire	112,755
Maine	187,264
Connecticut	71,414
Rhode Island	29,035
New York	368,456
New Jersey	24,958
Delaware	6,326

Maryland	13, 778
District of Columbia	369
Pennsylvania	86, 223
North Carolina	57, 027
South Carolina	35, 019
Georgia	40, 387

This amount represents only the water power used in manufacturing establishments, and the figures would be swelled greatly by including all the water power actually in use at the present time. It must be borne in mind also that these figures do not cover a large proportion of electric motors driven by current developed by water power. For example, almost all the power developed by the great hydraulic installation at Niagara Falls is electrically transmitted, and consequently is reported as electric power by the manufacturing establishments in which it is used. Many textile plants are operated by electric current from distant generators driven by water power.

In this way a large portion of the water power actually used in manufacturing operations does not appear in the census returns, because it is electrically transmitted and is accounted for in the motors that are reported. It is obvious, therefore, that the use of water power in 1900 was considerably larger than indicated by the amount reported.

The use of water as a primary source of power has undergone a complete transformation in the past decade, both in the methods of its utilization and in the manner of transmitting and applying the power. The practical possibility of transmitting power thus developed over long distances has removed the necessity for building mills immediately adjacent to water powers, often so located as to present serious physical obstacles to economical arrangement and construction of manufacturing plants. This has rendered available many water powers which otherwise could not have been used to advantage, and thus has largely increased the industrial possibilities of many localities where a limited or expensive fuel supply has made the use of steam power impracticable.

In addition to the great textile industry, the wood-pulp and paper manufacturing industries are dependent upon water power.

THE MERRIMAC RIVER.

The Merrimac River, flowing in New Hampshire and Massachusetts, itself illustrates the enormous interests which center about our waterways, and particularly supports the need of action by the Central Government to conserve them, as but one-fourth of the power and resources of that river are within New Hampshire, the State in which it has its source. In the State of New Hampshire there is invested in manufactories along the borders of this river the sum of \$38,801,365; there is paid each year in wages to 29,866 operatives the sum of \$11,771,103; and the value of the annual product is \$44,711,573. In Massachusetts there is invested in manufactories on the borders of the Merrimac the sum of \$103,293,793; there is paid in wages to the 63,335 operatives \$25,829,825 each year; and the value of the annual product is \$114,414,876. A population of 350,000 people along its borders has deposited in savings banks the sum of \$143,220,126, and their cities have a real estate valuation of \$240,000,000.

The Connecticut River as well, which also has its source in the White Mountains, has located on its borders manufactories employing 28,808 operatives, to whom is paid yearly the sum of \$15,120,476 in wages.

THE FOREST RESERVES SHOULD BE NATIONAL.

This bill is demanded for the preservation of the resources of the East and the South. The system of national forest reserves exists already in the West, and I urge upon the Representatives from that section of the country that the system should not be a local one, but that by supporting this bill they should aid in making it a national system. On the preservation of our streams depends the wealth and happiness of no small proportion of the people of the United States. We, in support of this bill, call on the Members to regard the measure not from a sectional view, but from the true, broad view of the best interests of our country, and resting our claim on the merits of the measure, we ask that you give to these people dependent upon the streams for their welfare the benefit of the provisions of this legislation.

[Mr. BEALL of Texas addressed the House. See Appendix.]

Mr. WEEKS. Mr. Speaker, I now yield five minutes to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Speaker, the gentleman from Texas [Mr. BEALL] expresses some surprise at the fact that South Carolina and Massachusetts have joined hands in this "raid" upon the Treasury, as he calls it. I want to say to the gentleman from Texas that he may search the history of this great Nation from

Bunker Hill and Kings Mountain up to the present time and he will find Massachusetts and South Carolina joined hand in hand always in every great progressive movement for the benefit of the whole people. [Applause.] We have had our quarrels, we have had our differences, and we have fought them out like men; and when we have submitted them to the arbitrament of the sword and that has spoken, we have reconciled our differences, turned our backs upon the past, and with our faces to the future have marched on along the line of progress, industry, and material development. [Applause.]

We have no apologies for the alliance; we are proud of it. My friend from Missouri [Mr. RUCKER] makes the prediction that this undertaking in the end will mean an expenditure of \$900,000,000. I want to call the attention of the House to some predictions made when the Reclamation Service was before the House for consideration. If I had the record here I might read from the statements of the so-called "leaders of the House," where the prediction is made that the Reclamation Service would entail an expenditure of \$750,000,000 upon the Treasury of the United States. The fact is, gentlemen, they were bad prophets. The Reclamation Service cost the Government only \$45,000,000, and has opened up millions of homes to the American people. My experience here is this: The so-called "leaders of the House," those gentlemen who carry around on their shoulders and in their imagination the destinies of 90,000,000 people, become so oppressed with the weight of their great burden that they cease to move forward any more and spend their energies marking time. [Applause.]

This is a great progressive movement we are undertaking. It is a movement looking to the future. It is a movement that looks beyond our noses, and the so-called "leaders," I presume, continuing their policy of the past, will be found lined up against it. I want to call the attention of the House to the fact that this is the age of young men, this is the age of progress, this is the age of going forward, and this is the first great step in a great conservation movement that has seized upon the good sense, the good judgment, and the wisdom of the wisest and most farseeing men in this country, and the young men of the American people are going to carry this great movement to a successful conclusion, and you might as well bet your last dollar on that proposition. [Loud applause.]

Mr. THOMAS of North Carolina. And, if the gentleman will allow me to say it, it is a movement that will materially benefit the South, as well as other sections of the country.

Mr. LEVER. Under the general leave to print, I wish to submit the following as my views in extenso upon this most important piece of legislation:

The proposed legislation undertakes to bring under federal control and regulation, either by purchase outright or cooperation with the States or individuals, such forested areas of the country as are "located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes," when it is shown that the control of such areas will aid, protect, and conserve the navigability of navigable streams. This bill is before us in response to an almost universal demand from every interest—industrial, agricultural, manufacturing—in every State along the Atlantic seaboard from Florida to Maine. Perhaps no proposition in recent years has met with such a unanimity of indorsement as the idea of the establishment of national forest reserves in States east of the Mississippi River. For many years this effort was confined to the establishment of such reserves in limited areas in the White Mountain and Appalachian ranges, but, as the effect of deforestation has become more and more recognized, as the most important, if not the controlling, factor in the uniformity of stream flow, this bill it will be noticed, is general in its terms, and applies to forest areas wherever located, the protection and control of which will have an appreciable effect in promoting or maintaining the navigability of the navigable streams.

I venture to assert that since the close of the civil war there has not been brought into this Congress any proposition which was of more vital and wide importance than is the one before us to-day for determination. Upon the preservation of the forested mountain lands in the Appalachian Range depends the very industrial life of the South, and this fact is so well recognized by thoughtful and farseeing men, the necessity is so great, the calamity threatened so fearful, and the States and individuals so impotent to deal with it that the Federal Government is called upon to handle the situation in a broad national way. It is a proposition so enormous in its scope, so vital to the well-being of the entire Nation as to make it primarily and necessarily a national rather than a state matter. A great federal duty—the improvement and preservation of our inland waterways and harbors—confronts us, and the Nation is called upon to act.

As a Nation we have had bestowed upon us natural resources in such prodigal abundance that their very abundance has made us a prodigal Nation. Our boasted prosperity may be measured with reasonable accuracy by the gross wastefulness with which we have used our natural blessings. To put it a little more strongly, it may be said with some degree of truth that our prosperity is but an incident to our wastefulness; that the one has been built upon the other.

We have talked of the past and gloried in it; we live and think of to-day; it has never occurred to us that there is a to-morrow. That nation, as with the individual, that is content with the abundance of the present must in the end be dashed to pieces upon the rock of its thoughtlessness of the future. This bill not only proposes to take care of the present, but undertakes to handle a situation which must become more and more critical in the future. It is the first step in the great conservation movement which has seized upon the judgment of our wisest men and which must grow stronger as it is more fully understood. Every thoughtful man agrees that the time has come when the Nation must take stock, make an inventory of its resources, and live and work to-day with some little thought of the morrow.

Two great political parties have recognized the wisdom of this idea. The Denver platform contains this plank:

We repeat the demand for internal improvement and the conservation of our natural resources, contained in our previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party.

The platform specifically mentions the protection of the national resources in timber, coal, iron, and oil, and the development of our waterways, the irrigation of arid lands, the reclamation of swamp lands, and insists upon the preservation, protection, and replacement of our forests. This broad declaration of party principles should satisfy any Democrat who may believe in the wisdom of this great movement to safeguard our navigable streams by protecting the forest lands at their headwaters, but who, at the same time, may feel some doubt as to whether such legislation squares with the doctrine of his party.

The party has spoken; its voice is emphatic. The Republican platform is equally as emphatic in the matter of the preservation of the natural resources of this country:

We indorse the movement inaugurated by the administration for the conservation of the natural resources. We approve of measures to prevent the waste of timber.

INLAND WATERWAYS GREATEST NATIONAL ASSET.

The greatest asset of this Nation are its rivers and harbors. Since 1802, when an appropriation of \$30,000 was authorized by Congress for the improvement of the Delaware River, up to the present time the development of our inland waterways and harbors has been regarded as a national duty, and the appropriations for such purposes have increased from year to year, as commerce has grown and additional transportation facilities have become more necessary. The last river and harbor bill carried an appropriation of approximately \$80,000,000, to be used in the improvement, maintenance, and development of nature's transportation lines.

Work of this character was entered upon timidly at first and with great doubt as to the constitutional power of Congress to enter upon it at all. The founders and greatest apostles of Democracy, up to and including the administration of Andrew Jackson, regarded the whole scheme of internal improvements as of doubtful constitutional warrant, although admitting the necessity. How changed are conditions at the present. I presume if the roll of Democracy were called to-day there would not be found one who would question the power of Congress to appropriate for such purposes.

The policy of conservation, improvement, and development of the country's natural resources is the policy of all parties. It has become a great business federal undertaking and appeals as strongly to the business sense of the country as any single problem with which we have to deal. There are strong advocates of the policy of expending upon the improvement of our rivers and harbors the enormous sum of \$50,000,000 annually. The support of this idea is so strong that in the near future I expect to see it become a national policy.

Already the Federal Government has made navigable more than 300 rivers, aggregating more than 26,000 miles, thus largely augmenting transportation facilities. Harbors on every coast have been made accessible to commerce, and the sum of \$500,000,000 has been used for these purposes.

Forty-one million four hundred and twelve thousand dollars have been expended in making navigable the streams which have their headwaters in the Southern Appalachians, and projects are under way with respect to these same rivers aggregating approximately \$70,000,000. This great sum has been ex-

pended in dredging and deepening these rivers and harbors. The work up to this time has had to do with the lower stretches of the rivers, cleaning out the silt, straightening banks, building locks and dams, and deepening them, with a view of getting a sufficient depth to carry the commerce of the country. Nothing has been done in the way of conserving the water which feeds these streams.

Until recently the question dealing with the supply streams of navigable waters did not seem a matter of vital concern, and therefore did not appeal to engineers. During the last twenty years, however, deforestation at the heads of navigable streams has made such rapid strides as to press this phase of river improvement upon the attention of those who are interested in the protection and preservation of inland waterways.

It is the almost universal opinion of those who have given the subject consideration that in recent years flood and low-water periods in our streams have rapidly increased, that streams have become more and more silted, making heavy dredging more and more necessary, and it is likewise the opinion of these same experts that these phenomena, these high floods and extreme low waters are the direct results of the rapid deforestation going on at the headwaters of these streams. This bill is predicated upon the idea that there is a most intimate and direct relationship between forests and stream flow. If it can not stand upon this basis, it can not stand at all. That such a relationship does exist appeals so strongly to common sense as to need but little of expert proof to sustain it. That a sponge absorbs and holds water every one knows. The forests provide for the earth a deep humus—sponge—which absorbs and holds the water and uniformly gives it off. From this great sponge and the soft ground beneath it the springs, streamlets, creeks, and the rivers of navigable waters are fed.

Here is nature's great reservoir. This is the common-sense layman idea. If expert testimony is needed, I can fill volumes with such testimony and opinions of the greatest experts in the world in support of the proposition that the uniformity of stream flow bears a direct ratio to the forested areas in which the streams have their origin. I shall not burden the RECORD with these expert opinions, for they will be brought out in the course of the debate. I am content to rest the case upon the common-sense view of the matter—what I see with my own eyes, what I know to be a fact. It is common knowledge that floods have increased in rivers which have their rise in the Appalachians and that low-water periods have gradually increased since the advent of lumbering, tanneries, and pulp mills in this region. The farmer has contributed his part in the denudation which threatens these streams, but the principal danger lies in the operations of the lumbermen, who create a condition most favorable to destructive forest fires. The situation in the southern Appalachians—and I confine myself to this particular region as an illustration of the general idea—is not as yet, let me say in all frankness, critical, but those who see beyond their noses, those who feel some obligation to the future, those who would protect themselves against the calamity which is certain to come unless the processes making for it are arrested, wish to take time by the forelock, to deal with this matter before it reaches a dangerous condition, to preserve the forests which they have now rather than to permit themselves to have to face the problem of a great and expensive system of reforestation when all of these great mountain ranges have been swept clean by the agencies of destruction now attacking them.

SCIENTIFIC INVESTIGATIONS.

Mr. Speaker, without entering into a lengthy discussion of this phase of the subject—the connection between forests and stream flow—I wish to call attention to a few of the conclusions reached through the investigations of the scientific bureaus of our own Government. A careful investigation of the records of the Weather Bureau has been made recently to ascertain whether there is any connection between forests and the uniformity of stream flow, as is claimed by those who favor this measure. The results show that in streams having their headwaters in the Appalachian ranges there has been a remarkable increase in the number of floods during the last twenty years, and there has been a like increase in the number and duration of low-water periods. It is also found that such increases have been in direct ratio to the rate at which the forests have been denuded. Those rivers, the Ohio, Cumberland, Wateree, and Santee, whose watersheds have been the most deforested, show the greatest increase in flood and low-water periods, while those streams whose watersheds have been least changed show the greatest uniformity of stream flow and the least prevalence of floods and low-water periods. Both the Geological Survey and the Forestry Service have given careful consideration to this

relationship during the past year and both have reached the same conclusion, that floods and stream flow have rapidly increased in most of the rivers of the United States, and especially those rivers that are in the eastern mountains, where deforestation has gone on unchecked and is becoming most extensive.

Ten rivers have been selected for such investigations—Potomac, Monongahela, Ohio, Cumberland, Wateree, Savannah, Tennessee, Allegheny, Wabash, and the Red. It has been found that eight of these ten rivers show a greater increase of floods in the last half than in the first half of a period of twenty years. Each of these eight rivers showing increased flood conditions has its headwaters in the Appalachian Mountains, where deforestation has made its most rapid inroads during the same period. For instance, the Potomac River, measured for eighteen years, shows during the first half of the period 19 floods and for the second half 26, while the duration of the floods for the first half was thirty-three and in the second half fifty-seven days. For the Wateree River the measurements cover a period of sixteen years, in the first half of which the number of floods was 46 and in the second 70, and the number of days of flood in the first period was 147 and in the last half 187. About the same ratio prevails for the Savannah, while the Monongahela shows, for a period of twenty years, for the first half 30 floods and for the second 52, and the number of days of flood during the first half was 55 and during the second half 100. A careful analysis of these data is absolutely convincing of the fact that there is a direct and most intimate relationship between forests and stream flow, which every layman understands and about which there can be no doubt except in the minds of experts.

The most elaborate study of any river ever made in the United States has just been completed by Mr. M. O. Leighton, Chief Hydrographer of the United States Geological Survey.

His conclusion is that floods have been increasing, the percentage of increase being 18.75 in the last seventeen years as compared with the seventeen years previous. It is the conclusion of every one of these experts that the reason for the increase in the number of floods and low-water periods and general lack of uniformity in stream flow is due directly to the deforestation of the mountain sheds in which they have their origins. They maintain that the forests act as a sponge to hold the water, and when the sponge is removed the waters rush down in torrents, to be followed immediately by low-water periods.

They have taken the case of the Red River and proven the same theory by reasoning from opposite conditions. On this stream the records have been kept for sixteen years. The number of floods for the first half of the period was nineteen, and for the second half sixteen, while the number of days of flood in the first half was eighty-seven and in the second half sixty. The low-water periods of this river in the first half were forty-nine, and in the second half eight, while the duration of the low-water period was eight hundred and thirty-six days in the first half and two hundred and eight in the second. To make the conclusion irrefutable, examination of the record also shows the diminution of rainfall for this river basin of 1.94 inches per year for the second half, as compared with the first half. What is the cause? There has been no change in either the geology or the topography of the drainage basin, only a change of the soil conditions has taken place.

When these measurements commenced, the drainage basin was, in the most part, large ranches, there being hardly any forests, and the prairie sod had not been broken up. As late as 1900 no more than 14 per cent of the watersheds of the Red River had been improved, but about this time the Indian reservation was thrown open, and settlement and agriculture were begun, the prairie sod was broken up and changed into cultivated fields, thereby increasing the sponge-like character of the soil. The result has been a more uniformity of stream flow following, less floods, and less low-water periods, the very result to be expected in the changed condition of the river basin. What is true of this river is true of every other, namely, that if you increase the storage capacity of any reservoir you decrease in exact ratio the flood and low-water periods, and as you decrease the storage capacity of these natural reservoirs you likewise find an increase in the number of floods and low-water periods. These are conclusions that can not be gotten away from, and they prove our right to ask the Federal Government to preserve the forests, which have a direct influence upon the conservation of the waters that feed our navigable streams.

FOREIGN COUNTRIES.

The principle we are contending for is recognized and acted upon by almost every great government of the world. England in India, Switzerland, Austria-Hungary, Norway, Sweden,

Denmark, Russia, Roumania, and Japan are all working out comprehensive plans for protecting forests at the headwaters of their mountain streams. Spain has suffered from destructive floods caused by denudation of forests on her mountain sides, and has in force a system of laws to prevent overcutting. Italy has paid the penalty of her unwisdom in permitting the deforestation of her mountains, while France is paying most heavily for her experience in allowing her forests to be stripped from her mountain sides.

It is said that 800,000 acres of her farm lands have been ruined and her waterways practically destroyed by the torrents which have rushed down from her barren mountains. She is to spend \$50,000,000 in a plan of reforestation, \$15,000,000 having been expended already upon the plan. The French ambassador evidently had in mind the experiences of his own Republic when in a recent address he put the whole case tersely: "No forests; no waterways." He spoke as a man with first-hand experience, and his words should be a warning to us who are about to permit the same disaster to overtake us. Germany stands first among the nations of the world in inland waterway improvements and development, and it is a significant fact that she also stands first in the preservation and protection of her forests. For more than a hundred years the German Government has regulated her forests, which now furnish a large revenue. In striking contrast to the wise and far-seeing policy of the German Government in this respect is the stupidity of China, whose mountains and hills have been bared of their forests with the result that streams which formerly carried an even flow of water are now either entirely dried up or when not dry, great torrents rushing down upon the lowlands, carrying destruction to life and property. The Chinese policy of taking care of the present with no thought for the future, her policy of wastefulness, has brought about two inevitable results—great floods and great water famines.

History is of little value to mankind unless it is made to guard us against unwise policies and point us to the pathway of wise legislation. In the eastern half of this country we are pursuing without thought the pathway of China, France, Spain, and Italy in leaving our great forest areas to the mercy of those who think only of their own selfish interests.

WESTERN FORESTS.

It must be understood that we are not entering upon a new policy. The Government is already irrevocably committed to the idea of forest preservation. Approximately 170,000,000 acres of lands in the West are under federal control. This represents a national asset of more than one and a half billion dollars. We are appropriating annually from two to three million dollars for the improvement and proper control of this great domain, and let it be understood that the whole forest policy of the Government up to this time is predicated upon the idea that the forests will conserve the water supply of the navigable rivers, aid the irrigation and reclamation work, and preserve at the same time the timber supply. It is therefore not a new policy, either the preservation of the forests or the idea that the forests have an appreciable bearing upon the stream flow. It is written in the statutes of the country; it is a part of the well-defined plan of conserving the natural resources of the Nation.

PRECEDENTS.

It is argued that these lands were public lands and that the Government did not have to buy in order to preserve them. It is claimed that there are no precedents for the policy of buying lands for special purposes except, of course, in a few well-known cases. I wish to call the attention of the House to the fact that we are to expend, according to the estimates, the sum of \$45,580,000 for the reclamation of the arid and semi-arid lands of the West. We are to-day expending at the rate of almost \$1,000,000 per month in this work, in the digging of canals and the construction of reservoirs.

The argument that the reclamation work is done on lands belonging to the Government, while the lands to be acquired under the terms of this bill must be bought, does not hold, for it is a matter well known to everyone that the Government has found it necessary in many cases to buy additional land in 12 of the 16 States and Territories included in the reclamation project. Already the sum of \$554,000 has been paid for such lands. If the Government can buy land for irrigation purposes, why the objection when we of the East, to preserve the navigability of our navigable streams, ask that an appropriation be made for the buying of forests as a means to this end? Not only has the Government bought lands in the West, but by two acts, 1905 and 1906, the operation of the reclamation act was extended to the State of Texas, where there is no government land. The Government has even gone to the extent, in the pursuance of a high sense of justice, to furnish water for irrigating 25,000 acres of

land in Mexico, at an estimated expense of \$1,000,000, and a treaty has been signed between the two countries to that effect. The reason for this action upon the part of our Government is because the citizens of Colorado use some of the water which flows on down to Mexico, with the result that the Mexican supply has run short. If in carrying out our sense of duty to a foreign nation, we can expend a million dollars, is it too much for us to ask that some appropriation be given by the Government in the discharge of its duty to its own people?

OTHER CASES.

I wish to call the attention of the committee to other cases analogous to the one under consideration. It is not an entirely new thing for the Government to improve the headwaters of navigable streams with a view of improving their navigability in their lower stretches. As far back as 1880 a project was put on foot for building reservoirs and dams at the headwaters of the Mississippi River, and in pursuance of that plan \$1,885,000 have been expended.

The truth is that the time has come when army engineers must recognize that it is cheaper and better to control the mouths of rivers by controlling first their headwaters than it is to go on with the present endless-chain system of dredging. What sense is there in a policy of digging out a river when it is well known that the very next flood which comes down from the mountain sides barren of forests will bring down its load of silt and debris? Is it not wiser and more economical in the end to prevent the river from filling up by carefully guarding its headwaters than it is to go on and on indefinitely dredging and cleaning it out?

INCIDENTAL BENEFITS.

I have discussed the effect that deforestation must have upon navigable streams, and have shown how the preservation of the navigability of our streams having their origin in the mountains must depend for the future upon a policy which looks to the preservation of these forested areas. I have tried to show the benefit which must accrue from the preservation of the forests to the improvement and maintenance of our navigable streams. I feel that the appropriation asked for in this bill is justified by such benefits.

But it is fortunate that in the accomplishment of the main purpose of this bill there will follow certain collateral advantages quite as important as the main purpose.

FLOOD DAMAGES.

It is a fact worth our attention in this connection that flood damages in the United States have increased during the last seven years from \$45,000,000 to \$118,000,000. Such damages have been greatest on rivers whose watersheds show the greatest deforestation. For example, in the Congaree River, which runs through the district which I represent, the floods during the last fifteen years have increased 94 per cent in number and 113 per cent in duration, while in the Savannah River during the last thirty years the increase in number of floods has been 94 per cent and in duration 266 per cent. During the past year the greatest floods in the history of my State occurred. Millions of dollars of property consisting in bridges, railroad trestles, dams, farm products, and the like were lost. Great cotton mills and manufacturing industries dependent for power upon these streams were closed for weeks for repairs. Thousands of their employees were left for months without work. The tenant farmers in the lower parts of the State, who lost everything they had in this great flood, were driven almost to the point of starvation and became entirely dependent for months upon charity. The damage of this one flood to this one little State can not be estimated. It must be borne in mind in this connection, too, that these streams rise in the largely deforested areas of the Southern Appalachians.

Of course it is not contended that this flood would not have happened if the watersheds in these great areas had been covered with virgin growth, but I do contend that such a condition would have decreased the damage. Floods will happen as long as excessive rains fall, and all we contend for is that the forests have such an important and direct regulative influence as to be worthy of our attention in dealing with a great scheme such as is the improvement and preservation of our inland waterways.

WATER POWERS.

The South is vastly rich in her magnificent and unequalled water powers. Her future industrial development is largely dependent upon them, and her possibilities in this direction are almost unlimited. It is in this section that the greatest development of water power in the whole country is taking place, and as fuel grows more and more costly and coal becomes more and more exhausted, water power will become more and more in demand. The present rental for water power is \$20 per horsepower per year, and this is a low average. Its value, how-

ever, can not be estimated, but will depend upon the price of fuel power, which will constantly increase, and therefore give a greater demand and a higher value for water power.

The United States Geological Survey estimates a minimum of 2,800,000 of horsepower development for rivers having their headwaters in the Southern Appalachians, and the same authorities estimate that at least 50 per cent of this estimated power is available for development. These figures indicate a minimum horsepower; but if auxiliary power were provided, it is estimated that it would be possible to develop up to two and one-half times this amount. Taking 50 per cent of the minimum indicated horsepower developed by these rivers at a rental of \$20 per horsepower, the yearly return or value would amount to \$28,000,000. The development of this power has just begun. About ten years ago the transmission of electrical energy over long distances became an accomplished fact, and since that time water powers have come to be in great demand. The largest cotton mill in the world—the Great Olympia, located at Columbia, S. C.—uses the Congaree River for its power through this new plan of electrical transmission. I expect to see the day when the water powers of the South will be used to operate every mill, light every city, town, and village, drive every train and boat, and operate every industry. The power exists; it is only for us to develop and use it. In connection with water powers, it must be borne in mind that the uniformity of stream flow is the greatest consideration, as it is also the most important consideration in navigation. Here I desire to quote from a most eminent authority:

The valuable water resources of this region depend absolutely upon the maintenance of a protective forest cover. Without this forest cover, the water power of the region can never be developed to the full, and in the same way the navigable streams can not be kept from silting up if the forest cover about their headwaters is removed. The protection of these forests is a great undertaking, but it is necessarily a first undertaking since it is fundamental to the development and utilization of the water resources.

If there were no other purpose in this bill than the preservation of the forests in the Southern Appalachians for the preservation of the water powers of this section, the appropriation contained in it would be amply justified.

MANUFACTURING.

Mr. Speaker, in the three States of Georgia, North Carolina, and South Carolina there are 178 cotton mills dependent for their power upon the streams rising in the Southern Appalachians. These mills represent a total capital of \$41,000,000, with a yearly product of over \$70,000,000 and a consumption of 900,000 bales of cotton and the employment of 60,000 people. It is the duty of the Government to protect these great industries so vital to the entire Nation.

HARD-WOOD SUPPLY.

The statement is made in the report of the Secretary of Agriculture on the "Southern Appalachian and White Mountain watersheds" that—

The valuable hard-wood supply hinges upon the control of the Appalachian Mountains.

It is also said in this report that at the present rate of cutting that hard-wood supply of the country will be exhausted in the next sixteen years.

The four hard-wood centers of the United States have been the Ohio Valley, the Lake States, the lower Mississippi States, and the Appalachian States. In 1899 the States of Ohio, Indiana, and Illinois produced 25 per cent of the hard wood of the country, but in 1906 they produced only 14 per cent, and Ohio and Indiana show a falling off of 50 per cent. What little hard wood remains in this once great center of this industry will be used up within a few years by the hard-wood establishments, which are now pressed to the limit for supplies. In the three Lake States there was less hard wood produced in 1906 than in 1899, showing that their maximum production had been reached, and that for the future there must be a rapid decline. The same situation is true of the Mississippi Valley. The only hard-wood region left to the country, upon which it must depend for the future hard-wood supply, is the Appalachian region. In 1906 this region produced 48 per cent of the hard-wood supply of this country, and the hard-wood-using industries look to this region for their future supplies. It is estimated that, including the mountains of Pennsylvania, New York, and the New England States, there are 75,000,000 acres of land adapted to hard-wood growing, and yet only from 12 to 15 per cent of this area is covered with virgin timber. It is therefore evident that we are face to face with a hard-wood famine unless legislation is enacted to prevent the indiscriminate destruction of the supply.

This is a matter of vital concern to the whole Nation. Great sums of capital are invested in industries dependent entirely upon the hard-wood supply. Hundreds of thousands of people

are employed in this industry, and yet we have taken no thought of the morrow. We have permitted self-interest to drive us to a point where we must act or face a famine.

CONCLUSION.

In conclusion, therefore, this bill undertakes to protect the hard-wood supply of the country; to prevent the enormous flood damages and preserve the water powers and the industries and people dependent upon them; to protect the agricultural lands from overflow; and to preserve the navigability of the navigable streams of the country, which are so necessary to its future growth and development. As stated in the beginning of my remarks, I believe that no proposition of greater importance has engaged the attention of this body since the civil war.

Mr. MONDELL. Mr. Speaker, in the very brief time allotted to me it is impossible to point out the many objections I have to this bill. I think it is one of the most vicious measures that has been presented to this House since I have been a Member of it, namely, a proposition to improve privately owned water powers by the expenditure of federal cash; to purchase millions of acres of worn-out and cut-over timber lands with the people's money; to establish federal landlordism over great areas.

The gentleman from South Carolina [Mr. LEVEE] compares this to the reclamation policy. I would remind him that there is no analogy between the two policies.

Under the reclamation law no expenditure is made that is not reimbursable; no private property is improved except as an incident of the improvement of public property; and all of the expenditures must be repaid and are being repaid by those who are benefited.

The reclamation law makes homes on lands now worthless; this bill proposes to return to the wilderness lands now occupied. The reclamation law seeks to reduce the area of the land over which the Government is landlord; this bill seeks to increase the area of government landlordism. The reclamation law seeks to improve government property so as to make it usable by the people, and provides for its transfer to the people; this bill proposes the acquisition of private property, to be perpetually held and administered by the Government. The reclamation law at the expense of individuals conserves and regulates water supplies in a manner beneficial to the public at large; this bill proposes, at the expense of the Government, to attempt to conserve, regulate, and control waters for the benefit of private individuals.

In the general discussion of the measure here and elsewhere much is said of the necessity, importance, and propriety of the Federal Government embarking upon a scheme of this kind in the interest of navigation, but it will be noted that the land which it is proposed to first acquire is at the headwaters of streams used principally not for navigation, but for water power, and that many of the alleged facts and figures or arguments in behalf of the proposition relate to the alleged benefits by the proposed expenditure of the people's money to private owners of water power.

In the twelve years of my service in the House I have known of no measure that was backed by such a powerful, persistent, and effective lobby of private interests as this. No doubt the sensibilities of some gentlemen will be shocked by this statement, and I hasten to assure all such that it has been a most eminently respectable lobby, a lobby that has influenced a vast number of well-meaning, high-minded people; which has had the support of influential, high-class magazines and newspapers; for, like most lobbies that are really effective, the arguments of this lobby as addressed to the public at large have been ingeniously devised to appeal to the disinterested and public-spirited citizen, who can always be depended upon to approve projects asserted to be for the public good, and who generally has not the time or opportunity to learn of the private interests to be served.

If the owners of water power in New England desire to have their power improved, they should, through their States or locally or individually, pay for that improvement and not attempt to unload the burden on the Government, and the same statement applies to the owners of water power along the southern Atlantic coast.

I presume it is scarcely worth while to remind the brethren who are clamoring for this legislation that it is unconstitutional, for why regard the Constitution when the consideration of the declarations of that document would prevent the expenditure of public money for private benefit?

Much as I am surprised that the gentlemen on this side of the aisle should propose this scheme of federal landlordism and bureaucracy—this proposition to establish federal control over great districts within States—I should be even more surprised at the gentlemen on the other side who favor this legislation, and who claim to be special champions of local self-government

and states rights, if my experience had not enlightened me to the fact that those who shout loudest and most frequently in defense of the principle of local self-government are the first to abandon it when an appropriation is in sight.

Of course nobody is fooled by the claim that the expenditure authorized by this bill is all that is contemplated for the purchase of private lands for forest reserves. Even the millions the expenditure of which is herein contemplated would not buy sufficient territory to affect the navigation of any navigable stream to any appreciable degree, even on the basis of the most extravagant claims that have ever been made as to the effect of timber preservation on water conservation.

The amount of land that could be purchased by the appropriation contemplated by this bill would not even cover any considerable portion of the watershed of any one of the streams the mill owners on which are endeavoring to secure the aid of the Government in the improvement of their water power.

This is but the opening wedge; and these expenditures once inaugurated, the pressure from owners of worn-out and cut-over timber lands to unload them upon the Government and the demand of the owners of water power to have them improved at government expense would be so tremendous as to lead to unending expenditures of enormous magnitude.

Appalling as the prospects of future raids upon the Federal Treasury are, if this policy of buying lands and creating forest reserves is once inaugurated, that feature of the situation is, after all, the least alarming and dangerous. The fact that the system is in direct conflict with the theory of our Government and genius of our institutions should give us even more alarm than the danger of wasteful, improper expenditures, for if the policy contemplated should be established on any scale that would be of appreciable benefit in the regulation of streams furnishing water power, it would create a system of federal landlordism and of interference with local control and local jurisdiction that would utterly change the form of our Government within the regions affected.

I purposely refrain from an inquiry as to what would happen if the attempt were made to extend this system sufficiently to have any effect upon navigation, for two reasons: First, because of the fact that the ownership of all of the mountainous watersheds of the country by the Government would probably have no effect worth mentioning on navigation; and, second, because the claim that this policy is in the interest of navigation is so plainly a subterfuge that it fools no one who has given the matter any serious consideration.

The fact is that the presence or absence of timber upon the watersheds of streams has comparatively little to do with their volume or the regularity of their flow or with the amount of silt which they carry, though of course it is a fact that the cultivation of lands has an effect upon the silting of streams, and it is no doubt true that if the Federal Government owned all of the land at the headwaters of the Connecticut and the Merrimac and at the headwaters of the rivers of the Carolinas and could afford to and did prevent cultivation on any lands at the headwaters of these streams or along their course, there would be a trifle less silting, and therefore the dams which furnish water power would not be troubled with silt as much as when the land is cultivated to a considerable extent. But I assume that no one will claim that the Federal Government ought to attempt anything of the sort, though that is exactly the policy which this bill proposes to inaugurate; and not only that, but in the hearings before the committees and in discussions on the matter it is made very apparent that after the Government has reserved the watersheds the owners of water powers expect the Government to build storage reservoirs, all of which would be very lovely from the standpoint of the owners of water power, but a trifle hard on the other people of the country. The fact is that private interests are using, on behalf of this legislation, every healthy sentiment in favor of conservation to pour water upon their particular and individual mill wheels.

It is natural, right, and proper that we should look to reasonable preservation of our forests and to reasonable protection of our watersheds. In the main it should be done by the States, and there would be no difficulty in the various States accomplishing it if they were willing to pay the price.

It is very doubtful whether there is any authority under the Constitution for the Federal Government to even aid and assist, by general investigation, research, and so forth, in the preservation of woodlands, but this doubt has already been resolved in favor of that being done to a reasonable extent, and no one has any objection to that character of work being carried on.

It has of recent years become quite a habit to unload upon the Federal Government projects that ought to be borne by the people locally and by the States. The claim that the

Federal Government must establish forest reserves in the White Mountains and eastern Appalachians because the problem is an interstate one is simply another way of saying that as the people of New Hampshire will not spend their money to protect the water power of Massachusetts, the people of all the States ought to do it; that because the people of certain of the South Atlantic States do not desire to expend their money for purposes which will be helpful to the people of another State, as well as themselves in the improvement of water power, that therefore the people of all the Nation should pay for such improvement.

No more brazen demand for the use of public money for private benefit has ever been made in the history of the world. There is nothing in the way of the people of two or more States entering into an arrangement whereby projects beneficial to their people may be carried on jointly, and certainly there is no reason why the mill owners along the lower course of certain streams should not unite to build storage reservoirs along the headwaters of such streams to regulate stream flow, except their natural disinclination to spend their own money in protecting their property so long as there is any hope of having the public money spent for that purpose.

The fact is that the indefensible system of using public money for a considerable class of so-called "river and harbor works" has so accustomed certain of our people to government expenditures in aid of private interests that they take quite naturally to this additional step in the direction of laying burdens upon all of the people for the benefit of the favored few.

The fact that it violates the Constitution, threatens the establishment of federal control in a manner that would have been repulsive and shocking to the last degree to the founders of the Republic, appears to give no pause whatever to the lobby which, under the guise of a disinterested desire to serve the public interest by conservation, seeks a monumental raid on the Treasury in the aid of a few private interests.

Mr. ENGLEBRIGHT. Mr. Speaker, this bill is based upon a proposition that for the purpose of controlling flood waters and improving the navigability of streams it will be good business policy to expend a large amount of money to purchase lands for forestry purposes. On a proposition of expending \$19,000,000 for such a purpose it should be considered what the actual effect, if any, will be had on the streams tributary to the lands to be purchased, and how far this will be a wise expenditure of government funds. The advocates of this measure so far have failed to show in the slightest degree what will be the effect favorable to the control of flood waters or the navigable streams as to any probable actual results.

In the brief time at my disposal I desire to call your attention to a single point, that if this money is spent for the construction of reservoirs in proper places, that for the amount of money to be expended, water can be stored and used to the improvement of the low stage of water of the streams to a definite purpose and known possible result. And if you make careful calculations and estimates, you will find that reservoirs can be constructed and water stored that would cover all the lands proposed to be purchased to a depth of from 6 to 9 inches, water that would be available for all purposes proposed to be covered in this bill. There is not a Member who has spoken in favor of this bill who has been able to show by any authority that this measure would accomplish even a small percentage of such a result, so that the expenditure of money on the theories proposed is of a purely sentimental nature, and not warranted as a business proposition.

Mr. SCOTT. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Speaker, it seems that before embarking upon a gigantic scheme like the one proposed in this bill we ought to have some information in order that the matter might be considered carefully, honestly, and intelligently. Up to the present time we have no official information except that furnished by the Secretary of Agriculture. It recommends the purchase of 6,000,000 acres. It further states that it will be necessary to protect 75,000,000 acres, and I conclude, from reading this report, that it will be necessary to purchase all of the 75,000,000 acres.

The gentleman from South Carolina [Mr. LEVER] has estimated the cost at \$900,000,000. But, in my judgment, his estimate is low. If 75,000,000 acres of land is to be purchased, if the price is \$10 an acre, it will amount to \$750,000,000. But the report states that much of this land is worth from \$75 to \$125 an acre.

Besides, there are large plants involving an expenditure of hundreds of thousands of dollars, and the cost of these plants must be taken into consideration in the purchase of these lands.

Nobody seems to know what it is going to cost in the end. It is stated in this report that these lands are owned in large tracts, and the owners of them are unwilling to sell the lands except for high prices. So I repeat that before we engage upon a gigantic proposition like this we should first have information; we ought to investigate, that we might know in advance the probable cost. It seems to me that it is the part of wisdom, the part of good judgment, and the part of common sense and business foresight that we should have detailed and accurate information, some data and reliable estimates, in order that we might know whether it is going to cost \$100,000,000 or \$1,000,000,000. I fear before we get through that it will cost more than \$1,000,000,000.

Mr. Speaker, time will not permit my going into the merits or demerits of this bill, hence I will content myself by having inserted in the RECORD my views as set forth in the minority report.

VIEWS OF MR. HAUGEN.

Before entering upon such a gigantic scheme as is contemplated in the proposed bill, one which in the end, in all probabilities, will involve the expenditure of not millions but billions of dollars, Congress should have detailed and accurate information in order that the matter might be carefully, fully, and intelligently considered. It should at least have data or reliable estimates as to the probable cost, the number of acres that should be purchased for the preservation of the forests within the watersheds of the navigable rivers not only in the White Mountains and the Southern Appalachian Mountains, but over the whole country. The only official information available at the present time is that obtained under the act of Congress of March 4, 1907, which "requires the Secretary of Agriculture to investigate the watersheds of the Southern Appalachian and White mountains and to report to Congress the area and natural conditions of said watersheds, the price at which the same can be purchased by the Government, and the advisability of the Government purchasing and setting apart the same as national forest reserves for the purpose of conserving and regulating the water supply and flow of said streams in the interest of agriculture, water power, and navigation."

In this report the Secretary recommends that the Government acquire an area of about 6,000,000 acres at once, and states that an area of about 75,000,000 acres will have to be given protection. The Secretary has this to say (p. 32):

"It is an enormous undertaking to bring this immense area of 75,000,000 acres under proper conditions of protection and use. If the Government owned the land, the problem would be a comparatively simple one under our present forest policy."

I conclude from this that it is necessary to purchase the 75,000,000 acres to begin with. As to the method of acquirement and cost of lands the Secretary has this to say:

"WHITE MOUNTAINS."

"The timber lands of the White Mountains are in the main held by a few large companies, nearly all of whom are cutting extensively on the spruce stands for pulp or lumber manufacture. The plants of some of these companies represent an investment of several hundred thousand dollars. Manifestly, in negotiating for these lands, in so far as they bear uncut timber, the value of the plant must enter into the consideration. In addition, the stumpage value of spruce ranges from \$4.50 to \$6 or \$7 per thousand. This would give the best stands a value of \$75 to \$125 or more per acre."

"The hard woods of the White Mountains, of which there is a large area, have not the value of spruce, nor are they as yet being extensively cut. Their stumpage value is from \$2.50 to \$4 per thousand, depending upon location, stand, and quality."

"The cut-over lands have a value ranging from \$1 to \$6 or \$8 per acre, depending upon the condition of the timber growth upon them."

"The question of the acquirement of timber lands by the Government has been considered with the principal owners of the region. While unwilling to dispose of their virgin timber lands, except at very high prices, they are willing to consider the sale of their cut-over lands, the lands lying too high for lumbering, and the mountain tops."

"A careful study of the situation leads to the conclusion that most of the lands of these classes can be bought at an average price of \$6 per acre."

"SOUTHERN APPALACHIAN MOUNTAINS."

"In the Southern Appalachians the timber lands are owned by large companies to a less extent than in the White Mountains, but even here as much as 50 per cent of many localities is under such ownership."

"Timber-land owners in the Southern Appalachians are generally inclined to sell their lands to the Government at a reasonable price, regardless of whether the lands contain virgin timber or are cut over. Furthermore, many of them are favorable to the transfer of their lands, themselves retaining the right to cut and remove certain kinds of timber above specified sizes."

"In considering the practicability of the Government's purchasing land for national forests in the Southern Appalachians conference has been freely had with timber-land owners, lumbermen, real-estate dealers, and title examiners. Moreover, attention has been paid to the sales which have been made during the past two years and the prices which have been paid."

"The price of virgin hard-wood land varies from \$5 to \$12 per acre, depending on accessibility and kind and quality of timber. Cut-over lands are worth from \$2 to \$5 per acre, their value likewise depending upon their location and the condition of the timber growth upon them."

From this report, or any other information available, who can figure out of the probable outlay of money? No data are furnished as to the number of acres of the \$75 and \$125 per acre land. There are no data as to the number of plants. All that is known is that some of these lands are valued at from \$75 to \$125 per acre, and that there are plants there representing an investment of several hundred thousand dollars, and that the value of the plants must enter into the consideration. No data are given as to the number of acres of hard wood, except that there is a large area. No data are given as to the number of acres of cut-over land, valued at from \$1 to \$8 per acre, except that it is believed that most of the land of these classes can be bought at an average price of \$6 per acre.

Suppose the average price of all the 75,000,000 acres to be purchased in this region is \$20 per acre, it would mean an investment of one and one-half billion dollars, an amount more than six times the cost of the building of the Panama Canal, or nearly twice the amount of our present interest-bearing debt, or four times the value of the total annual products of the Iowa farms.

The Secretary reports that these timber lands are in the main held by a few large companies. This means large prices. Besides, the Government generally pays more for what it buys and will have to pay larger prices than would have to be paid by individuals in purchasing the same lands.

The Secretary reports that the principal owners of lands are unwilling to dispose of their virgin timber lands, except at a very high price; that the cut-over lands, lands lying too high for lumbering, and the mountain tops—or, in other words, only such lands as are not needed or desired for this or any other purpose—are offered for sale.

Considering the Secretary's report and the fact that the purchase of the 75,000,000 acres, involving an expenditure of probably over a billion dollars, is probably only a small part of the land necessary to be acquired, as undoubtedly enterprising and patriotic real-estate owners in other parts of the country would be willing to unload their lands onto the Government, especially when the price is to be very high, and will insist that there be an equitable distribution of these billions of dollars; and considering also the enormity of the whole proposition, is it not the part of wisdom, common sense, and sound business judgment first to obtain detailed, accurate, and reliable information in order that a comprehensive, well-devised, and practical policy may be worked out and followed?

Considering also that the proposed bill is an entering wedge to such a gigantic proposition, I feel constrained to dissent from the views of the majority, and believe that for the present H. R. 21986, passed the first session of this Congress, is the proper legislation. Its provisions are clearly set forth in Report No. 1700, a copy of which is appended.

GILBERT N. HAUGEN.

[House Report No. 1700, Sixtieth Congress, first session.]

The Committee on Agriculture, to which was referred House bill 21986, has had the same under consideration and reports as follows:

At the beginning of the present session a number of bills were introduced and referred to the Committee on Agriculture having for their general purpose the purchase of certain tracts of land in the White Mountains and in the Southern Appalachian Mountains with a view to preserving the forests on said lands and conserving the flow in the rivers having their sources therein. The committee considered its most pressing duty to be, first, to prepare the appropriation bill for the Department of Agriculture. Before the consideration of this bill had been completed a resolution was introduced by Representative BARTLETT, of Georgia, providing that the bills above mentioned, commonly known as the "White Mountain" and "Appalachian Park forest-reserve" bills, be referred to the Committee on the Judiciary, with the request that that committee render an opinion as to the constitutionality of the proposed measures. This resolution was adopted by the House, and the bills were referred accordingly. Pending the report of the Committee on the Judiciary the Committee on Agriculture was of the opinion that it could not properly give consideration to these measures.

On April 20, 1908, the Committee on the Judiciary rendered an opinion to the effect that the United States would have no right to purchase lands for the purpose of creating a forest reserve, but that Congress might appropriate for the purchase of lands having a direct and substantial connection with the navigability of navigable rivers. As a result of this decision, Representatives who had introduced the bills which had been referred to the Committee on the Judiciary modified and reintroduced them, and they were again referred to the Committee on Agriculture, which took up the consideration of them at the earliest possible date. After hearing testimony and considering the bills for several days it became evident that the committee, with the information then before it, was unwilling to favorably recommend any measure committing the United States to the policy of purchasing forest lands. The whole matter was therefore referred to a subcommittee, with instructions to recommend to the full committee such action as it was deemed proper to take. As a result of the deliberations of this subcommittee, the bill H. R. 21986 was reported to the full committee, and by its action is herewith reported to the House.

It is a matter of common knowledge that the forests in the White Mountains and in the Southern Appalachian Mountains are being rapidly destroyed, and the desirability of preserving what remains of them, or at least of introducing methods of lumbering which will prevent the destruction of immature timber and will protect the forests from fire, is universally conceded, not only for the perpetuation of the timber supply, but also for the conservation of the flow of water in the streams having their source within these forests. The problem as to how this desired end should be reached has been widely discussed and has awakened profound interest throughout the entire country. As a result of this discussion, four distinct methods have been suggested.

First. It has been held by many that the problem was one belonging exclusively to the States concerned. Those holding this view have argued that the Federal Government has no constitutional authority to purchase lands for the purpose of conserving the forests upon them, even though such preservation may conserve the supply of water in navigable streams. They hold that the matter is one over which the States have exclusive jurisdiction, and that if the right exists it is the duty of the State to assume the responsibility of meeting it.

Second. Another view is that while it is neither the right nor the duty of the Federal Government to purchase the forests it may properly cooperate with the States or with private owners in their preservation by furnishing expert advice and assistance in their proper utilization and administration.

Third. Still another view is that when it is shown that the forests of a given watershed have a direct and substantial connection with the navigability of the navigable rivers flowing from that watershed the Federal Government has the right to exercise jurisdiction over the forests therein, although they remain in private ownership, and prescribe the method which shall be followed in utilizing the forests within such watershed.

Fourth. The last, and doubtless the most generally advocated plan, proposes that the Federal Government shall buy all the land that may be necessary to protect the watersheds of navigable rivers and exercise over the forests growing upon them all the rights and privileges of absolute ownership.

The bill now before the House was drawn with a view to meeting, in a measure at least, each of these four proposed plans. The first section proposes to give the consent of Congress to each of the several States of

the Union which may wish to do so to enter into such agreement or compact, not in conflict with any law of the United States, as it may deem desirable or necessary, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact. It has been often urged, by those who insist that the Federal Government should purchase the forests under consideration, that the problem is interstate, and in view of the constitutional inhibition against a State entering into any agreement or compact with another the proper treatment of the problem is made impossible to the States alone. If section 1 of this bill becomes a law, this obstacle to cooperation between and among the States will be removed.

Section 2 of the bill appropriates the sum of \$100,000 to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, by supplying expert advice on forest preservation, utilization, and administration, and upon reforestation of denuded areas. It also authorizes the Secretary of Agriculture to enter into agreement with the owners of any private forest lands situated upon the watershed of a navigable river to administer and protect such forest land upon such terms as the Secretary of Agriculture may prescribe. It is believed that under the authority given in this section many thousands of acres of forest lands will be brought as effectually within the jurisdiction of the United States for all the purposes of scientific forestry as if these lands were actually owned by the Government.

Section 3 of the bill provides for the appointment of a commission to be composed of five Members of the Senate, to be appointed by the presiding officer thereof, and five Members of the House of Representatives, to be appointed by the Speaker.

Section 4 makes it the duty of this commission to investigate all questions tending to show the direct and substantial connection, if any, between the preservation of the forests within the watersheds of the navigable rivers having their sources in the White Mountains and Southern Appalachian Mountains, and the navigability of said rivers. And in case the commission shall determine that such direct and substantial connection exists, it shall then be its duty to ascertain to what extent, if at all, it may be necessary for the Government of the United States to acquire land within the watersheds referred to, the number of acres of such land, and the probable cost, or whether it may be desirable, if within the power of the United States to exercise, without purchase, such supervision over such watersheds as may be necessary to conserve the navigability of the rivers proceeding therefrom.

Under the provisions of this section all the questions arising out of the proposal that the Federal Government purchase the forests or that it exercise jurisdiction over them without purchase may be carefully studied and fully considered. It is true that by an act of the last Congress the Secretary of Agriculture was authorized to report and did report upon the watersheds of the Southern Appalachian and White Mountains, the purpose of the report being to present to Congress "the area and natural conditions of said watersheds, the price at which the same can be purchased by the Federal Government, and the advisability of the Government purchasing and setting aside the same as national forest reserves for the purpose of conserving and regulating the water supply and the flow of said streams in the interest of agriculture, water power, and navigation."

Without intending any reflection upon those who prepared this report, it may be fairly said that it does not present such detailed and accurate information as any careful business man would insist upon having before entering upon a policy which was to involve the expenditure of many millions of dollars. It does not indicate the extent of the navigable portions of the rivers whose navigability it is desired to protect nor the value of the forests upon them. It presents no data showing to what extent, if at all, the volume or the steadiness of stream flow has been influenced by the destruction of the forests. It shows in only the most general way the location, area, and probable cost of the lands it is proposed to purchase.

While it recommends (p. 37) that the Government acquire an area of 600,000 acres in the White Mountains and 5,000,000 acres in the Southern Appalachian Mountains, it states also (p. 32) that an area of 75,000,000 acres will have to be given protection "before the watersheds and important streams are adequately safeguarded," suggesting the thought that while less than 7,000,000 acres are to be purchased at once, 75,000,000 acres must ultimately be acquired if the watersheds of the important streams are to be "adequately safeguarded." Your committee is of the opinion that if a commission of 10 members of the legislative body, responsible to their constituents and to the country for whatever report they may make, is directed to investigate the subject, the information presented in its report will be sufficiently comprehensive and exact to enable Congress to intelligently legislate upon the subject. The commission is given authority to employ experts and such clerical assistants as may be needed, and is required to report to the President not later than January 1, 1909.

Believing that this bill, by opening the way for the States to cooperate with one another, puts it within their power to contribute much to the solution of this important problem; that the provision it makes for cooperation between the United States, the States, and private owners of forest lands must contribute greatly to the rapid extension of scientific forestry; and that by means of the commission for which it provides the most careful study of the whole problem with a view to future legislation is made possible; and that for these reasons the proposed legislation will be of great public advantage, your committee respectfully reports the bill back to the House with the recommendation that it do pass.

Mr. REEDER. Mr. Speaker, I think it very desirable that we enter into the conservation of our resources as speedily as possible. And the resources to be preserved by this bill are among the small number that can be augmented with care.

The theory advanced by some of the speakers and credited to scientific persons, that forest cover will not retard the flow of rains from the hillsides, is known to be untrue by any observing person. The main purpose of government ownership and control of lands too rough for cultivation is to keep the fires from burning the ground over, and thus destroying not only the tree growth, but also from destroying the leaf and other forest covering of the soil, which forms the sponge that absorbs the rainfall, and thus detracts from the floods and augments the lower stages of the rivers, scientific men to the contrary notwithstanding.

ing. Purchasing rough land and preventing fires from burning the forests and forest cover off is money vastly better spent toward navigation and flood control than money spent for dikes to control floods which are constantly raising the bed of rivers and closing the outlets to these rivers.

A question propounded by the opposition to forest conservation is, What will be the expense of caring for these forest lands after they are secured?

This query is answered by stating that the Republic of Switzerland gets a net profit of \$5 per acre for caring for her forests. Our soil and climate is better calculated to grow trees than Switzerland's. So we may safely assume that when we give our forests as good care we will get as good or better results.

This bill provides for an expense of \$19,000,000 during ten years. And our friends who are opposed scare themselves with the billion or more some future Congress will appropriate on account of the wisdom that will at that time show for our present outlay.

Future Members of Congress will have no other reason for an appropriation for a like purpose, as every acre bought will be paid for and will need no further expense except to keep the fires out.

I am sorry to see the \$1,000,000 appropriated at this time, owing to the condition of the Treasury. But this is a broad, beneficent policy that we should adopt soon, as a great damage is annually occurring by means of fires and soil erosions. That can scarcely be remedied. France is spending millions because her statesmen of an earlier generation were so shortsighted as to believe, with our scientific men quoted here to-day by the opponents of this measure, that burned-over hillsides will retain as much rainfall without washing as a good deep leaf and leaf-mold sponge will. In France they are cementing portions of land to prevent the soil being washed into their rivers.

We should retain the navigability of our streams. We should not preserve private water powers at public expense, but we should prevent the destruction of private property in water powers by our shortsightedness as legislators sent here to do those things which can only be done by the Government, and which if not done will entail great permanent loss to many people.

No people so far in history have prevented forest destruction, however disastrous, until their government has given the matter its attention.

We should prevent as early as practicable the great loss of property in the way of farm lands destroyed and other property in city and country.

But we should not vote for any bonds or expend large amounts from the Treasury for river improvement until we have given the matter of how we will use these funds toward flood control sufficient thought to get us out of the class of the old woman who would keep back the ocean with her broom.

Such is the plan thus far used in expending our money on dikes and levees. A flood can only be permanently and cheaply controlled at its source.

The floods of the Missouri, the stream of which I know most, do a great amount of damage annually. By reservoirs and forests these floods can be so far controlled as to almost entirely prevent these losses, and for an expenditure of less money than the damage of the floods for any twenty-year period, or for a tax of 1 mill or less on the dollar on the property benefited for a term of twenty years at most. I will add, though a little foreign to the subject in hand, that by means of the national irrigation law passed in 1902 enough water is already held back of the Missouri River floods to cover 2,500,000 acres of land 1 foot deep, and it will not be many years until the amount will be doubled, then trebled.

This bill, like the irrigation law, is a right move toward making this a much greater nation than it now is. I hope all who wish to see our country developed will cast a vote for its passage.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. WEEKS. Mr. Speaker, I yield one minute to the gentleman from West Virginia [Mr. STURGIS].

Mr. STURGIS. Senate bill No. 4825 proposes the beginning of the creation of national forest reserves in such States as contain no Federal lands, by the cooperation of the respective States and private owners of lands with the National Government.

The primary purpose is to conserve the forests that are situated upon the watersheds of navigable streams, and to reforest such watersheds as have been denuded of the original forests, and to protect them from fires and excessive or wasteful cutting. It is alleged by the strict constructionist that this can only be undertaken by Congress under some well-defined grant of power

to be found in the Constitution of the United States, and this is generally conceded to be found in the "right to regulate commerce among the several States," which has been accepted without dissent, as authorizing the improvement and protection of all navigable streams or rivers that carry interstate commerce, and by virtue of which many millions of dollars for many years have been annually expended in deepening and widening the channels of such rivers, constructing locks and dams, erecting walls, jetties, and piers, regulating the quantity, direction, and flow of the waters, the height and span of bridges permitted to be built over such streams, and the putting up and maintaining lights and other aids to safe navigation. In the judgment of many, the right to do all these things might be placed upon more impregnable ground under the clause that confers powers "to provide for the general welfare."

Any government worthy of the name, and that has any hope of permanence, must have this inherent right, but, because the National Government is one of enumerated and delegated powers, the fathers wisely included this essential power in a specific grant; and while it has been sparingly invoked in the past, it is becoming recognized as the express grant of a power that will be more and more exercised, where, by the limited territorial jurisdiction of the several States, they are powerless to apply the appropriate remedy for patent evils that affect the citizens of each State.

If the water supply of any navigable stream carrying interstate commerce, or the depth of its channel, or any other thing that diminishes its value as an instrument of commerce between the States, is impaired, and the States refuse, neglect, or are powerless to correct the evil, then Congress must have power under the interstate-commerce clause to apply the appropriate remedy.

If destruction of the forests on the watersheds of navigable streams diminishes the rainfall and the aggregate water supply for the rivers fed by these watersheds, or causes the accumulated waters from rain and snow to be more quickly discharged in great floods, that imperil navigation and endanger life and property engaged in that occupation, and diminishes the quantity of water at intervening periods so as to suspend, in whole or in part, navigation for months at a time, or if this denudation causes such erosion of the soil upon these watersheds as to carry the silt and detritus into these streams in quantities sufficient to obstruct and fill locks and dams and channels that have been constructed and dredged at great cost, for navigation purposes, then no one can question the power and right of the National Government, under the grant relating to commerce, to apply the appropriate remedy. But the opponents of the power or right to reforest the hills, mountains, and valleys that feed our navigable rivers and to protect and preserve those forests now in danger of destruction content themselves with denying that there is any proved relationship of cause and effect between the forests and the water supply, between denudation and injury to navigability, but practically concede that if such relationship were established, then the federal power might be properly invoked to prevent or remove the cause.

But the evils arising and directly traceable to the destruction of our forests do not affect navigation and consequently interstate commerce alone, or chiefly or most disastrously. The floods arising from the bared watersheds of one State are precipitated upon the lands, lots, cities, furnaces, factories, and homes of another State, inflicting enormous losses of property, of wages, and disease and death upon the innocent citizens of the States that have no jurisdiction and can not possibly control conditions at the source of all this disaster.

Again, streams that are nonnavigable, because of their great fall, have been improved by dams, reservoirs, and canals, so as to furnish enormous sources of power, upon which great industries employing millions of capital and thousands of operatives have been founded, and these streams, having their watersheds and sources of supply in other States than those in which the power plants are located, are beyond the control of the States in which are situate the parts of the streams which are so valuable for water power. Must they be denied all relief merely because their streams are nonnavigable and incapable of bearing commerce between the States, although vastly more valuable than many small navigable streams?

Over \$50,000,000 worth of timber has been destroyed by fire each year for the last twenty years, and last year, the most disastrous in this respect in the history of the country, over \$100,000,000 worth was consumed, and an average loss of 50 lives annually for the twenty years or more was caused by forest fires. The humus desiccated by a long, hot, and dry summer burned like peat, and the ashes were washed away by the heavy later rains and carried into the navigable waters

below. If any State neglects to preserve the forests growing therein, and thereby wastes the heritage of her own people, and endangers that of the adjoining States by providing no system of fire patrol, is there no power anywhere to guard the general welfare of each State, both the innocent-suffering one and the wanton wasteful one? Must all suffer for the acts of omission or commission of one guilty one, over whom the others have no control, jurisdiction, or authority? A government that is powerless to provide for the common welfare is a pitiable spectacle and was never contemplated by the founders of the great Republic. A government that has the power and will not exercise it beneficently for the good of the people who created it has failed to achieve that ideal which we boast is the chief excellence of our Government.

It has been charged in the debate on this bill that purely selfish considerations control those who advocate the enactment of this measure. Those who urge that objection forget that patriotism has been well defined as enlightened selfishness; that selfishness that considers the welfare of every part of our common country. Others have asserted that the bill is a subterfuge, and that the proposed purchase of lands is not limited to the purpose of promoting navigability of streams. They have either not read the bill or have read it carelessly. Section 7 provides that the Secretary of Agriculture shall examine and recommend for purchase only such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and such lands shall be examined by the Geological Survey and a report made showing that the control of such lands will promote or protect the navigation of streams on whose watershed they lie.

If the policy of this bill can be justified only and yet fully upon the constitutional ground that thereby navigation is a direct instrument of commerce between the States, certainly it can in no wise adversely affect that policy if all the benefits and advantages just enumerated will follow as incident to that course of action, even if these incidental advantages far exceed those that relate to commerce.

If the general welfare be promoted as a necessary consequence of creating and preserving forest reserves in aid of navigation, it is in accord with the general purpose of the Constitution, and at least gives no reason for opposing the proposed legislation.

FOREST RESERVES IN AID OF NAVIGATION.

"The meaning of the Constitution does not alter. Its language as a grant of power to the United States is general, and, as changes come in social and political life, it embraces all new conditions within the scope of the powers conferred." (*South Carolina v. United States*, 199 U. S., 437.)

"The United States is a government, and consequently a body politic and corporate, capable of attaining the objects for which it was created, by the means which are necessary for their attainment." (*Van Brocklen v. Anderson*, 117 U. S., 151.)

"The United States, at the discretion of Congress, may acquire real estate in any State when needed for the use of the Government in the execution of any of its powers." (*Van Brocklen v. Anderson*, 117 U. S., 115.)

"That which is implied is as much a part of the Constitution as that which is expressed." (*South Carolina v. United States*, 199 U. S., 438.)

Those who oppose the general policy contemplated by the bill under consideration, namely, the creation and preservation of forests, assume that the right and power to do so can only be invoked if it can be clearly shown that deforesting diminishes the annual precipitation of moisture, occasions irregularity of water flow by increasing the number and magnitude of dangerous floods at one period of the year, or by reducing the water supply at other seasons to such an extent as to impair or temporarily suspend navigation, or by increasing the silt, sediment, and detritus that is carried by the tributaries into the navigable streams and deposited in the channels, locks, and dams or harbors, to the detriment or impairment of navigability. And thereupon these opponents declare and attempt to prove that none of the evil effects upon navigation just enumerated can be traced to any of the asserted causes, or directly or indirectly to the destruction of the forests.

The chief exponent of these views, and one upon whom all others rely, is Lieut. Col. H. M. Chittenden, Corps of Engineers, U. S. Army, and his paper, "Forests and reservoirs, in their relation to stream flow, with particular reference to navigable rivers," presented November 4, 1908, before the American Society of Civil Engineers, was published in the transactions of that society in volume 24, beginning at page 924, and has already been printed in the speech of Mr. HUMPHREY, the Member from Washington, on the 9th day of February of the present session.

After stating generally that the commonly accepted opinion is that forests have a beneficial influence on stream flow, he

states four propositions (p. 925) not fully nor fairly setting out the contentions of those who believe that forests do have a beneficial effect on stream flow. These views, he says, were given general currency nearly forty years ago by Sir Gustav Wex, chief engineer on the improvement of the Danube, whose writings were transmitted into English by the late General Weitzel, of the United States Corps of Engineers, and by that translation became known to the profession and the general public, and are now, as he admits, accepted practically without question in the public mind, and he might have added truthfully, by many if not most engineers of reputation and experience.

He admits precise demonstration of the falsity of these propositions is scarcely possible, and then with cheerful alacrity undertakes this admittedly impossible task, extending his argument over fifty pages, with many graphic illustrations whose pertinence is not apparent after a careful study of his paper. It is made up largely of unproved assertions and illogical conclusions drawn from unproved allegations. In concluding his paper he says that the arguments presented are his individual opinions only, and does not assert them as held by any of his fellow-officers or associates nor give the names of any who agree with him. His statements have been so completely refuted in a paper just prepared, but perhaps not yet given to the public, under the direction of the Bureau of Forest Service, by Mr. Gifford Pinchot, that I submit it herewith:

CHITTENDEN ARTICLE.

The article assumes from beginning to end that the forest influence on run-off is nothing more than the influence of a layer of leaves over an "inclined-plane surface, practically impervious to water" (p. 926). Ground storage is ignored entirely, and consequently no weight is given to those conditions at the surface of a forest soil which tend to divert waters to underground flow. It refers frequently to the action of the "forest bed" merely in holding water, but emphatically says (p. 927) when "the forest bed becomes completely saturated, its storage capacity is exhausted, and it has no more power to restrain floods than the open country itself" (p. 928).

What is the importance of ground storage which is so lightly passed over? Professor King has found that ordinary soils have an absorption capacity of 4 to 5, or even more, inches of water per foot of depth. Ground water extends to great depth. Considering the earth masses which lie above the stream levels in mountainous regions, one can get an idea, though a somewhat inadequate one, of what ground storage means to the permanency of stream flow. The ground water is constantly in motion, is replenished entirely from the surface, and is easily disturbed by any change of surface conditions.

By far the most important action of the forest is in providing conditions favorable for rapid and regular absorption by the surface soil of water from rainfall or from melted snow. Ignoring this most evident and important influence of the forest, the author expresses surprise at "the cheerful confidence with which the popular thought accepts" the theory of forest influences upon run off. This is the real weakness of the article. It denies—and denies without proof—that which any man can go out into the woods with his eyes open and see for himself.

It is admitted that for average conditions the forest bed has a degree of retentive action (pp. 926 and 927), but the author hastens to say emphatically that "it is not true for extreme conditions—great floods and excessively low water" (p. 926). The article further says: "When a period of heavy storm occurs, spreading over a great area, continually increasing in intensity, the forests, by retaining some portions of the earlier showers and paying them out afterwards, do produce a general high condition of the river, which may greatly aggravate a sudden flood arising later from some portion of the water shed" (p. 928). The author will surely admit the fallacy of this statement upon more careful consideration.

Whatever retentive action the forest has under normal conditions it certainly retains under extreme conditions. If a forest-covered soil has the capacity to store and gradually distribute the water from a 2-inch rain, it likewise has the capacity to store 2 inches from a 6-inch precipitation, and even more should the latter be distributed over several days. Any other assumption would lead to the conclusion that the immediate result of a heavy rain is to leave the forest dry, which conclusion clearly indicates that the reasoning must be wrong.

A further mistake is made in assuming that the summer rains absorbed by the forest soil are lost through evaporation (p. 929). Except in light rains, this is not the case. The summer rains are often heavy, and the major part of a usual summer downpour passes into the soil to replenish the streams.

The author says (p. 944), "The constantly reiterated statement that floods are increasing in frequency and intensity as compared with former times has nothing to support it."

It is true we have not long records of stream flow in this country. His statement, however, shows that Colonel Chittenden is unacquainted with, or else ignoring, the records which we have.

Figures from fifteen to thirty-four years for those streams whose watersheds lie in the Appalachian Mountains and which have been heavily cut over within the period of measurement refute absolutely the claims made in this article. In the report of the hearing on House resolution 208 before the Committee on the Judiciary it is shown that the Ohio, Cumberland, Wateree, Congaree, Savannah, and Alabama rivers disclose a marked increase of floods and flood duration. A more recent examination of the records of flow for the Allegheny, Monongahela, Muskingum, and Potomac show precisely the same trend. These streams do not show general increases in the extreme height of floods. Rather, they show a marked tendency of the waters to rush away in many sudden, violent floods of short duration, which is to be expected in the case of barren slopes. Most streams of which we have records show a longer low-water period now than formerly, though the tendency is not so marked as the tendency toward increased floods. Where such a tendency is not in evidence, it may possibly be due to the geological formation of the watershed or to the filling of the stream channels, so that the general water level is raised.

In contradistinction to these streams which have mountainous or hilly watersheds, the Red River, whose upper basin is entirely in the

• F. H. King: Nineteenth Annual Report, U. S. Geol. Survey, Part II.

plains and in a region which has largely been brought under the plow in the last fifteen years, shows both diminished floods and greatly improved low-water conditions during the past sixteen years. This proves the case over again, only from another point of view. Surface conditions over a watershed clearly have great influence on the flow of the streams which drain it.

Colonel Chittenden has made an unfortunate choice in comparing, as he does on page 936, the floods of March 17 and 26, 1907, on Puta Creek and the American River, tributaries of the Sacramento at Sacramento, Cal. His figures of precipitation for the American watersheds are approximately a correct average of the various gauging stations of the watershed. His figures for the precipitation on the watershed of Puta Creek, however, are absolutely misleading, as is shown by the accompanying map. In order to get an average precipitation of 22.7 inches he has taken apparently only two stations on the watershed, and these on the extreme summit of the Coast Range. As the chart shows, all the greater part of the watershed, some of which shows less than 20 per cent of the figure which he uses, has been disregarded. If figures from all parts of the watershed were used, as they should have been, the average precipitation of this watershed would have come much below the average of the watershed of the American River. Using the right figures, this illustration proves exactly the contrary of what Colonel Chittenden uses it to prove. It proves that a larger precipitation on the American watershed, which is wooded, produces a relatively lower flood stage.

Fundamental errors underlie the author's discussion of influence of forest upon snow melting. The first is that the ground does not take up the water from the first melting of snow. The article says (p. 931): "The water from the first melting of the snow blanket does not sink into the ground, but into itself." The author has seen an 8-foot covering of snow dwindle to 2 feet with the ground beneath it still comparatively dry. This is a very singular observation. In my experience, whenever snow begins rapidly to settle on account of the warmth, free water appears and is to be seen in every stream. In a forest, especially in a mountain forest, the snow usually falls on unfrozen ground, and the natural warmth of the ground hastens the melting of the snow at the bottom. Whatever free water appears soaks at once into the ground.

It is true that because the sun is excluded in a dense forest melting begins later than in the open, and Colonel Chittenden correctly states a universally known fact when he says that "even after the ground in the open is entirely bare, except under the drifts, the forest areas may still be covered with an unbroken layer of snow." Why? Simply because it is colder in the forest. It is colder when the process begins; it is colder day by day until the snow is gone in the open. The forest consequently acts in exactly the same way as the gulch on the north mountain exposure. It catches the average amount, or more than the average amount, of snow, and holds it till the melting time in the open is past. If, in either case, the melting went on as fast as in the open, the discharge of water would be greater, considering the whole watershed, and floods thereby intensified.

The only condition under which the melting is anything like as fast as in the open is during a warm rain, such as often accompanies the chinook winds in the western part of the United States. When this happens, the effect is the same on the snowdrift in the gulch and on the snow blanket in the forest. It melts at the most rapid rate. Once melted there is this difference: Water from the snowdrift is at once in the channel ready to swell the flood; water from the snow blanket is caught up in the layer of leaves and humus overlaying a porous soil and at every moment retarded in its downhill course. A portion seeps down through the humus to the streams and escapes within a few hours or a few days; a larger portion goes into the soil and does not reappear for weeks or perhaps months. The little channels through the debris (p. 957), which Colonel Chittenden has observed so effectually to lead the water away through a forest soil, have escaped my own notice.

Colonel Chittenden's graphic illustration of snow melting in forests and open country (fig. 1) neither shows the fact nor agrees with his own statement. The diagram shows the run-off in forest to cease before the run-off in the open, while, as already noted, he says (p. 931) "even after the ground in the open is entirely bare, except under the drifts, the forest areas may still be covered with an unbroken layer of snow." Who is so blind as not to know that the statement is true and the diagram misleading? Here, again, the main point is not delaying for a few weeks the melting of the snowdrifts. The main point is the facilitating of ground storage, and this the forest does far better than any other means.

The author's avowal that his theory is true for the Adirondacks and the White Mountains as well as the West is contrary to the testimony of those who know real conditions in these regions. One well qualified to know how the flow of the Connecticut River has been affected by timber cutting in the White Mountains is Mr. C. C. Goodrich, of Hartford, Conn., general manager of the New York and Hartford Transportation Company. Mr. Goodrich made the following statement before the House Committee on Agriculture January 30, 1908:

"For thirty years I have been manager of some 35 United States vessels engaged in coastwise trade between the various ports upon the Connecticut River, and in this term I have had ample opportunity to realize the effect upon our rivers of the denuding of the forests in the White Mountains, especially of late years, since the cutting has extended to the minor timber—the spruce of 6 or 8 and even 5 inches, which was formerly left to grow. From the beginning of my experience our floods have commenced about from the 1st to the 10th of April, and they came for the next two months pretty steadily, and for two months longer there was still a steady feed from those mountains. In the last twenty years the freshet has come fully one month earlier, the continuation has been more than one month longer, and the total supply of water has been reduced at least 50 per cent, coming rapidly in the spring, when it was of no use to the mill man or the man engaged in navigation, and escaping and going by without being made valuable in any way, and has been followed at the present time by an almost total lack of flow, beginning with about the 10th of May and extending through until the fall rains come again, nearly to the 1st of October."

It is difficult to see the author's object in discussing with vehemence and at length the effect of forests in increasing precipitation, when he finally arrives at the point frankly asserted by practically all observers that we do not know. Belief in the accepted theory of rainfall and knowledge of the influence of the forest conduce to the idea that forest may increase precipitation, and that in considerable degree. But no careful, comprehensive study has ever been made of the rainfall measurements of the United States to determine this question, and until this is done, little is to be gained by discussion.

Colonel Chittenden's statements regarding erosion are so contradictory as to be self-destructive. On page 949 he says: "In his observation, embracing pretty nearly all varieties of timber land in the northern

two-thirds of the United States, he has still to see a single example where the mere cutting off of forest trees leads to an extensive erosion of the soil." Yet out of this same remarkable experience he doubtless speaks a few lines below when he says: "A forest soil unprotected by forest debris is almost as erodible as a field under culture."

Again, he says (p. 950): "Roads and trails are one of the great sources of erosion in hilly countries, but plowing and tilling are the principal causes." Further on in the discussion in speaking of the silt carried by the rivers, which he estimates at from 50 to 100 per cent higher than anyone hitherto, he asks, "Where does this enormous volume of soil come from? Is it * * * from cultivated fields, an annual toll laid upon the precious fertility of our agricultural lands? Not at all. Only a very small proportion comes from this source."

Still, again, speaking of the sediments carried by the rivers and its great value in enriching the lowlands (p. 953), part of which he everywhere admits to come from cultivated lands, and some portions of which, indeed, must come from the "forest under culture" (p. 949), which he so much fears, he yet finds it possible to say: "The oft-repeated assertion that owing to the cutting off of forests our rivers are shoaling up more than formerly may be challenged absolutely."

In this bewildering array of contrary assertions, which would the author have us accept?

In a translucent way he senses the fact that there is an erosion problem, that somehow and from some place where it does no particular harm an enormous amount of sediment gets into the streams, that it is carried down and deposited by beneficent floods, not in the channels, but to the great benefit of the lowlands. One gets the idea from his statement that on the whole the process is beneficial and to be encouraged.

Side by side with this befogged conception let us set down the statement of a man who has fully grasped the situation. At the White House conference last May, Mr. J. J. Hill, speaking on this very point, said: "To-day as you ride through the South you see everywhere land gullied by torrential rains, red and yellow clay banks exposed where once were fertile fields, and agriculture reduced because its main support has been washed away. Millions of acres, in places to the extent of one-tenth of the entire arable area, have been so injured that no industry and no care can restore them."

Despite the failure of Colonel Chittenden to comprehend the situation, erosion is going on so rapidly as to form one of the heaviest taxes upon the Nation's resources. It is going on in burnt-over mountain forests; it is going on far more rapidly on agricultural lands; it is going on most rapidly of all on steep mountain lands which have been cleared and tilled when they should have been kept in forest.

The silt and sand thus derived have gone straight into the streams, are going there now faster than ever before, and are there in greater quantity than at any time in the past.

Even though they are contrary to Colonel Chittenden's claims, there are two fundamental propositions which must be accepted:

The first is that the condition of the surface of a watershed does influence the flow of water in the stream which drains it.

The second is that the streams are filling faster than ever before with silt from denuded mountain lands and poorly tilled farm lands.

With these two propositions before us, how can we escape the conclusion that the improvement and maintenance of our waterways and the protection of our watersheds are one and the same problem?

As supplementing in some degree the statements contained in Mr. Pinchot's paper, I submit some facts drawn from my own State, some of which have come within my own observation and in my personal experience.

I have resided in the valley of the Monongahela River for more than forty years, and have traversed the greater part of Monongalia County many times within that period. A very large part of the heavy timber has been cut off within the last fifty years, much land cleared and put into cultivation. In that time the half dozen or more bridges on Dunkard Creek have been carried away by floods three different times, although when rebuilt they were placed at a greater elevation each time, thus showing the increasing height of the floods as the timber had been cut off. This stream is tortuous, flows for its greater part through a hilly but not mountainous country, joining the river on its western bank, and is about 45 miles long.

A similar condition as to floods and their effects upon the bridges is found to exist in Deckers Creek, which is about 30 miles long, arising in a mountain valley, with a fall of about 900 feet in the last 12 miles of its course, joining the river at Morgantown, on the eastern bank. Probably four-fifths of the original heavy forested area has been cut over within fifty years.

The slopes for the greater part are steep and the surface rocky for the mountain section. High floods and very low water alternate with each other nearly every year, the contrast apparently greater year by year, till a dozen grain and saw mills and a paper factory have been abandoned for want of water and power originally ample, and for the first time in the history of the development of this valley deep wells were drilled during the past summer to secure adequate water for industrial plants that theretofore had drawn their diminishing supplies from Deckers Creek, not for water power, but for steam and mechanical and washing purposes.

About ten years ago the harbor in the mouth of this creek was dredged out under my supervision to a depth sufficient to load barges with lumber and like supplies, and was so used for three or four years, to supply the markets on the lower river. This harbor has been completely filled with sand and silt brought down the stream by the floods, and the small flow of water during the summer and fall would not for a part of the time float a shingle, and has formed an extensive bar projecting into the river and contracting the navigable channel. It is

my conviction that the total annual stream flow has been greatly reduced within the forty years that I have been familiar with this stream, and this has been coincident with and reduced with the removal of the forests.

Flood records as follows have been kept on certain rivers, and show the increase in frequency of floods, in percentages:

River.	Place of record.	Period of record.	Years.	Number of floods in first half.	Number of floods in second half.	Percentage increase.
Ohio.....	Wheeling, W. Va.	1882-1907	26	46	59	28
Monongahela.....	Greensboro, Pa.	1886-1907	22	30	52	73
Potomac.....	Harpers Ferry, W. Va.	1890-1907	18	19	26	37
Kanawha.....	Charleston, W. Va.	1888-1907	20	—	—	83

As showing the magnitude of the commerce borne by West Virginia rivers and those that derive the greater part of their water supply from the west and northwest watersheds of the State and the enormous amount of money expended by the National Government for improving the navigation of these streams I submit the following table, taken from data furnished by the Department of Commerce and Labor:

Streams.	Miles of navigable channel.	Government has spent for improvements since 1790.	Tonnage in 1906.
Monongahela in West Virginia *.....	33	\$6,794,827.40	11,447,444
Ohio in West Virginia *.....	285	24,485,261.26	13,163,656
Kanawha.....	90	4,730,108.02	1,613,889
Little Kanawha.....	120	488,844.38	106,510
Guyandotte.....	50	22,500.00	—
Big Sandy, partly in Kentucky.....	170½	1,445,425.32	148,623
New River.....	—	112,000.00	—
Gauley.....	—	15,000.00	—
Elk.....	—	35,000.00	—
Total.....	748½	—	26,480,122

* Whole length.

The tonnage borne by the rivers named, viz, 26,480,122 tons, constitutes one-fifth of the whole river commerce of the United States.

For the purpose of showing the commercial value of the rainfall utilized in various ways and the large percentage that is absolutely wasted or lost, I call attention to the following statistics from the report of the Inland Waterways Commission of the National Conservation Congress, gathered under the direction of Hon. THEODORE E. BURTON, chairman of the Inland Waterways Commission:

The sole source of our fresh water is rainfall (including snow). From this source our running, standing, and ground waters are derived. The habitability of the country depends on these waters. The quantity of rainfall, including the rainfall on water areas, is 215,000,000,000 cubic feet. Of the total rainfall, over half is evaporated; about a third flows into the sea; the remaining sixth is either consumed or absorbed.

WHAT WE USE AND WASTE.

Of the 70,000,000,000 cubic feet annually flowing into the sea, less than 1 per cent is restrained and utilized for municipal and community supply and related purposes; less than 2 per cent (or some 10 per cent of that in the arid and semiarid regions) is used for irrigation; perhaps 5 per cent is currently used for navigation; and less than 5 per cent is utilized for power. It is estimated that 85 per cent to 95 per cent of the volume is wasted in freshets or destructive floods.

There are in mainland United States 282 streams, navigated for an aggregate of 26,115 miles, and as much more navigable by improvement; there are also 45 canals, with a mileage of 2,189.05, besides numerous abandoned canals. On lake and sound routes there is large traffic, but the navigation of rivers and canals is too small for definite record. The cost of water carriage averaging about one-fourth that of rail carriage, and our railway freightage during 1906 reaching 217,000,000,000 ton-miles at an average rate of 0.77 cent, the shipping of one-fifth of our freight by water would have saved over \$250,000,000 to our producers and consumers.

The theoretical power of the streams is over 230,000,000 horsepower; the amount now in use is 5,250,000 horsepower. The amount available at a cost comparable with that of steam installation is estimated at 37,000,000 horsepower, and the amount available at reasonable cost at 75,000,000 to 150,000,000 horsepower. The 37,000,000 horsepower exceeds our entire mechanical power now in use, and would operate every mill, drive every spindle, propel every train and boat, and light every city, town, and village in the country.

The direct yearly damage by floods since 1900 has increased steadily from \$45,000,000 to \$238,000,000; the indirect loss through depreciation of property is probably greater; while the largest loss is that arising in the impediment of navigation and terminal transfers.

The freshets are attended by destructive soil erosion. The soil matter annually carried into lower rivers and harbors or into the sea reaches 783,000,000 tons. Its removal seriously reduces the productivity of upland farms and increases channel cutting and bar building in the rivers. It is estimated that soil erosion reduces farm production 10 per cent to 20 per cent, and that the annual loss to the farms alone

is \$500,000,000, and that large losses follow the pollution of the waters and the diminution of navigability in the streams.

Through imperfect control of the running waters lowlands are temporarily or permanently flooded. It is estimated that there are in mainland United States 75,000,000 to 80,000,000 acres of overflow and swamp lands requiring drainage; that by systematic operations these can be drained at moderate expense; and that they would then be worth two or three times the present value and cost of drainage, and would furnish homes for 10,000,000 people.

WHAT WE NEED TO DO.

In considering the uses and benefits to be derived from the 215,000,000,000 cubic feet of water annually received, the paramount use should be that of water supply; next should follow navigation in humid regions and irrigation in arid regions. The development of power on the navigable and source streams should be kept subordinate to the primary and secondary uses of the waters; though other things being equal, the development of power should be encouraged, not only to reduce the drain on other resources, but because properly designed reservoirs and power plants retard the run-off and so aid in the control of the streams for navigation and other uses.

The broad plan already framed by statesmen and experts and approved by the Executive should be enacted into law. It provides for a system of waterway improvement extending to all of the uses of the waters and benefits to be derived from their control, including the clarification of the water and the abatement of floods for the benefit of navigation, the extension of irrigation, the development and application of power, the prevention of soil wash, the purification of streams for water supply, and the drainage and utilization of the waters from swamp and overflow lands.

It has been roughly estimated that the inland waterways of the country could be improved in ten years at a cost of \$50,000,000 annually in such manner as to promote interstate commerce and at the same time greatly reduce the waste and extend the use of the waters. If done at the cost of the people, the burden would be \$0.62½ per capita per year, or \$6.25 in all.

It is roughly estimated that the direct benefits would comprise an annual saving in transportation of \$250,000,000; an annual saving in flood damage of \$150,000,000; an average annual saving in forest fires of at least \$25,000,000; an annual benefit through cheapened power of fully \$75,000,000; and an annual saving in soil erosion (or corresponding benefit through increased farm production) of \$500,000,000—a total of \$1,000,000,000, or \$12.50 per capita annually; i. e., twenty times the cost. In addition, large benefits would result from extended irrigation, from the drainage and settlement of swamp and overflow lands, and from purified and cheapened water supply, with consequent diminution of disease and saving of human life.

A conference of the governors of the several States and Territories was called by President Roosevelt to meet at the White House, May 13, 14, and 15, 1908, to consider our natural resources and how best to conserve them. At the request of the President, each governor brought with him three citizens from his State or Territory to act as assistants or advisors. The members of the Cabinet, justices of the Supreme Court, Members of both Houses of Congress, representatives of great transportation and other business interests were also present and participated in the deliberations and discussions. After full consideration, this body of able and representative men unanimously adopted certain declarations, among which were the following:

We urge the continuation and extension of forest policies adapted to secure the husbanding and renewal of our diminishing timber supply, the prevention of soil erosion, the protection of headwaters, and the maintenance of the purity and navigability of our streams. We recognize that the private ownership of forest lands entails responsibilities in the interests of all the people, and we favor the enactment of laws looking to the protection and replacement of privately owned forests.

We recognize in our waters a most valuable asset of the people of the United States, and we recommend the enactment of laws looking to the conservation of water resources for irrigation, water supply, power, and navigation, to the end that navigable and source streams may be brought under complete control and fully utilized for every purpose. We especially urge on the Federal Congress the immediate adoption of a wise, active, and thorough waterway policy, providing for the prompt improvement of our streams and the conservation of their watersheds required for the uses of commerce and the protection of the interests of our people.

The provisions of the bill under consideration are as follows:

A bill (H. R. 26923) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States, for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

Sec. 2. That the sum of \$100,000 is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams, and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

Sec. 3. That the Secretary of Agriculture, for the further protection of the watersheds of said navigable streams, may, in his discretion, and he is hereby authorized, on such conditions as he deems wise, to stipulate and agree to administer and protect for a definite term of years

any private forest lands situated upon any such watershed whereon lands may be permanently reserved, held, and administered as national forest lands; but such stipulation or agreement shall provide that the owner of such private lands shall cut and remove the timber thereon only under such rules and regulations, to be expressed in the stipulation or agreement, as will provide for the protection of the forest in the aid of navigation: *Provided*, That in no case shall the United States be liable for any damage resulting from fire or any other cause.

SEC. 4. That from the receipts accruing from the sale or disposal of any products or the use of lands or resources from public lands, now or hereafter to be set aside as national forests, that have been or may hereafter be turned into the Treasury of the United States and which are not otherwise appropriated, there is hereby appropriated for the fiscal year ending June 30, 1909, the sum of \$1,000,000, and for each fiscal year thereafter a sum not to exceed \$2,000,000, for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1919.

SEC. 5. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and one Member of the Senate, to be selected by the President of the Senate, and one Member of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section 6 of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions; and any vacancy on the commission shall be filled in the manner as the original appointment.

SEC. 6. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

SEC. 7. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

SEC. 8. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

SEC. 9. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act; but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

SEC. 10. That such acquisition may in any case be conditioned upon the exception and reservation to the owner, from whom title passes to the United States, of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance; but in every case such exception and reservation, and the time within which such timber shall be removed, and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

SEC. 11. That whereas small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding 80 acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

SEC. 12. That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section 24 of the act approved March 3, 1891 (26 Stats. L., 1103), and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this act into such specific national forests and so designate the same as he may deem best for administrative purposes.

SEC. 13. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

SEC. 14. That 25 per cent of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*,

That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

SEC. 15. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of \$25,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

These provisions may be briefly summarized as follows: Cooperation by the States, private owners of forest lands, and the National Government for the purpose of protecting the existing forests and to reforest suitable lands. Nothing is compulsory on the part of the States or individuals.

An appropriation of \$100,000 is provided to enable the Secretary of Agriculture to cooperate with the States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams, but requires as a condition precedent that before such cooperation shall be begun or entered into the State shall provide by law a system of forest-fire protection and that the State shall contribute an equal amount for the purpose of such fire protection.

The Secretary may protect and administer private forest lands in the same way upon contracts made by him with such owner.

All moneys derived from the sale or disposal of any products or the use of public lands or the resources of same are set apart as a special fund in the Treasury, to be known as "the national forest reservation fund," to be used in the examination, survey, and acquirement of lands located on the headwaters of navigable streams.

A commission is created consisting of five persons, including the Secretaries of the Interior, of War, and of Agriculture, and a Senator to be appointed by the Vice-President, and a Member of the House to be appointed by the Speaker, to be known as the "National Forest Reservation Commission," with authority to approve the purchase of such lands as may be recommended by the Secretary of Agriculture, and after an examination by the Geological Survey. The assent of the State in which such lands are situate must first be given. Titles must be approved by the Attorney-General before purchase money shall be paid over. Minerals and merchantable timber on or underneath the lands may be reserved by the owners before transferring the land. The lands acquired under the bill shall be permanently reserved, held, and administered as national-forest land under the act of March 3, 1891.

It is provided that 25 per cent of all moneys received during any fiscal year from the national forests acquired under this act shall be paid over by the Secretary of the Treasury to the State in which such forests are situate, to be expended as the legislature may prescribe, for the benefit of the public schools and the public roads of the county or counties in which such forests are situate, in proportion to the area situate in the respective counties.

It will be seen that the only objection to this bill is the fact that it is too narrow and restricted in its operation.

Neither State nor individual is required to part with his land. Each is free to accept or reject the plan proposed, but it is believed that self-interest will induce in most cases, both States and private owners, to willingly go into this limited partnership with the United States in order to secure uniformity and permanence in protecting the forests and reforesting the cut-over areas that can be profitably included in the plan provided for by the bill.

Protection and preservation of the forests, and of navigability of streams, are the primary purposes of the bill. Cooperation of the States and individuals with the National Government is the method by which they are to be accomplished.

If all this can be done, without hardship to any citizen, what endless and enormous good will flow from the doing. What loss and irreparable damage will follow if we fail!

The forest question is the greatest problem in the conservation of our natural resources. It enters more than any other element into more departments of business activities, and the practical destruction of our timber and other forest products will more quickly be felt in the increased cost of living than the destruction of any other one of our natural resources. The quantity of lumber used per capita in the United States each year is about five or six times greater than in England or Europe and is about three times as great as the annual growth, and with the accelerated cutting as population increases the forests will be exhausted in thirty-five to forty years. The bank depositor who checks out three times as much money as he deposits will soon come to the end of his credit and to bankruptcy, no matter how large may have been his original deposit.

Mr. Pinchot draws this graphic picture of the resulting injury and loss in every branch of industry and increased cost of living:

What will happen when the forests fall? In the first place, the business of lumbering will disappear. It is now the fourth greatest industry in the United States. All forms of building industries will suffer with it, and the occupants of houses, offices, and stores must pay the added cost. Mining will become vastly more expensive; and with the rise in the cost of mining there must follow a corresponding rise in the price of coal, iron, and other minerals. The railways, which have as yet failed entirely to develop a satisfactory substitute for the wooden tie (and must, in the opinion of their best engineers, continue to fall), will be profoundly affected, and the cost of transportation will suffer a corresponding increase. Water power for lighting, manufacturing, and transportation, and the movement of freight and passengers by inland waterways, will be affected still more directly than the steam railways. The cultivation of the soil, with or without irrigation, will be hampered by the increased cost of agricultural tools, fencing, and the wood needed for other purposes about a farm. Irrigated agriculture will suffer most of all, for the destruction of the forests means the loss of the waters as surely as night follows day. With the rise in the cost of producing food, the cost of food itself will rise. Commerce in general will necessarily be affected by the difficulties of the primary industries upon which it depends. In a word, when the forests fall, the daily life of the average citizen will inevitably feel the pinch on every side. And the forests have already begun to fall, as the direct result of the suicidal policy of forest destruction which the people of the United States have allowed themselves to pursue.

It is admitted this bill, if enacted, will yield the greatest benefits to the White Mountain and Appalachian regions and those States traversed by the rivers that have their sources in the elevated valleys, plateaus, and mountains of those regions, and which carry the commerce of many States upon their broad bosoms.

Great schemes of forest reserves have been created west of the Mississippi River by withdrawing the public lands from private entry. The great West has been highly benefited by appropriations of millions of dollars for irrigation and reclamation of the arid lands of that region. For all those improvements the East has cheerfully voted millions of money in the interest of our common country. We now ask reciprocity of aid in support of the bill under consideration, because of the community of interest which the Middle West and West have in the general welfare of the whole country, though the chief beneficiaries will be the New England States, New York and Pennsylvania, West Virginia and Virginia, the South Atlantic and Gulf States, Kentucky and Tennessee, and all the States bordering on the Ohio and the Mississippi rivers and their navigable tributaries.

Water power vaster in the aggregate than all the steam machinery within these States will be preserved; direct losses by floods, annually amounting to over \$150,000,000, will be prevented; diseases and deaths by impure water will be greatly reduced; the cream of the soil now washed away, estimated at a billion tons a year, will be preserved to agriculture, adding millions of dollars to the value of the crops of the farmer and saving many other millions of the cost of maintaining channels, locks, dams, and harbors clear from the earth, sand, and debris brought down by the constantly increasing floods induced by deforesting these slopes, hills, and mountains. True economy requires liberal appropriations for the purposes of this bill, by reason of the savings just enumerated. How long will the Congress perpetuate the shortsighted, penny-wise and pound-foolish policy that has characterized its treatment of our forests in the past?

Mr. WEEKS. I yield to the gentleman from North Carolina [Mr. SMALL].

[Mr. SMALL addressed the House. See Appendix.]

Mr. WEEKS. I yield four minutes to the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Speaker, this bill is born of patient and well-directed effort. There is no politics in it. Members of the minority and members of the majority of the Committee on Agriculture equally oppose and advocate this measure. I deny that there is any partisanship or politics in this bill whatever; and I challenge the statement of my friend from Illinois, who undertook, whiteheaded as he is [laughter], to lecture young men like myself this morning because we advocate its passage. Is it "vicious" because it has a majority of the intelligent youthful men on the Committee on Agriculture bringing it out? [Laughter.] Is this bill vicious, my colleagues, because the patriotic citizenship of 27 States of this mighty Union ask for its passage? Is this bill vicious because in order to carry it out three Cabinet members are chosen on that commission and one Member of the House and one of the Senate? I should be willing to change the latter to two of each party, so as to preserve the balance of power, and I think this will be done. It has been charged that enthusiasts are advocating this measure. Then it is the most intelligent, patriotic association of 27 States and the best men and women in those States who are enthusiasts. Let me remind you that no good cause has ever been carried to a successful conclusion, no battles won, no victors crowned, no

reform wrung from deep-rooted prejudice and unyielding conservatism, save at the hands of well-directed and earnest enthusiasts.

South Carolina and Massachusetts join hands, it has been said to-day. I want to say that Virginia and Massachusetts join hands and lock shields now as they did on the plains of Yorktown, and to which army Massachusetts and Virginia, each one, furnished about the same number of soldiers, and but for Massachusetts and Virginia in that war we would have no United States to-day. The Virginia spirit to-day is the spirit of Yorktown; and while she is not deeply interested in this matter, yet for the benefit of her sister States in this great Union she is as enthusiastic as any of those who will be the beneficiaries of this scheme. [Loud applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. LAMB. In order that the citizens of my State, and particularly of my district, may have the information so easily obtained by those of us who have served on the Agricultural Committee and listened to the hearings before that committee, I avail myself of the permission to print and submit some facts and statistics, gathered from time to time, that I trust will be interesting to those whom I have the honor to represent in Congress.

The importance of the conservation of our forests, prevention of erosion of our lands, of the filling of our navigable streams, and a constant and steady flow of our rivers for power plants, commerce, and factories can not be overestimated.

To-day 3 feet of lumber is being cut for 1 foot grown. One and one-half times as much is being exported as imported. Forest fires, waste, neglect, and destruction are rapidly producing an alarming condition in our lumber business. Evidence and object lessons both in America and Europe are not wanting to impress this fact upon us. There is no Representative here from any State who does not know that the methods of individual and corporate owners have been extravagant and destructive, and to-day each one of us must admit that in his section coming generations have been robbed and despoiled of the timber that should have been their inheritance had proper methods and economical use of the bountiful supply with which this country was blessed been used. No man can compute what waste, neglect, and indifference has cost the present generation or the loss and injury it must entail upon the coming generations.

Must wisdom be bought by us at the price paid by France, when, by the stripping of her forests from her hills and mountains prior to 1860, 800,000 acres of farm lands had been ruined or seriously damaged, and the waterways practically destroyed; the population of 18 departments reduced to poverty and forced to emigrate? Can nothing be learned from the floods and water famines of China caused by the almost total destruction of her forests? Shall coming generations in our country pay such a fearful price when these and other object lessons confront us, and wisdom and patriotism are presumed to be our guides?

Rather should we follow the example of Germany, foremost in inland-waterway development and forest conservation. She has all of her mountains protected by forests and has managed them for a hundred years, and these forests yield her a net revenue of \$2.40 per acre per annum.

No country of Europe but has learned from flood and water famine and diminished navigation of her rivers that to strip the hills and mountains of their trees is to destroy their country. France, Spain, Germany, Switzerland, Austria-Hungary, Norway, Sweden, Denmark, Russia, and Roumania all have already recognized the necessity of this conservation work and are working out comprehensive laws preserving their forests at the headwaters of their streams, guarding against forest fires and overcutting. England is doing the same for India, and Japan is well advanced in the work.

But to guard the country and the coming generations against irreparable damage may not be enough to goad some of us into more wise and liberal action in this important matter. It may be well to show what we have done, and what benefits have already come to us. Our national forest reserves contain over 400,000,000,000 feet of timber. There is being sold and cut therefrom about 500,000,000 feet per year. At this rate it would take eight hundred years to exhaust the timber now standing. On private forest lands, containing four-fifths of our standing timber, the rate of cutting will exhaust them in thirty-five years. Our Forestry Service is preserving and our individual owners destroying. Should not adequate legislation and means be afforded to encourage the one and check the other?

The fire damages in 1902 to our national forests averaged 5 acres burned to each 1,000. In 1907 the average was less than 1 acre to the 1,000. Had fire damage last year in national forests been in proportion to such damage on private forests, it would have aggregated over \$5,000,000, and yet the cost of

the fire patrol of the national forest is estimated at one-third of a cent per acre. The average salary of the forest ranger is \$1,200, and he must provide his own horses and protect an average of 125,000 acres of rough mountain country from fire, handle timber sales, see to grazing permits, and perform many other duties. The work is too important and the objects too pressing for Congress to be otherwise than liberal in indorsement and appropriation.

Much may be said on the matter of erosion; the filling of our navigable streams with silt and soil by sudden floods, necessitating constant dredging and river improvement; of water famines affecting navigation and factories, aggravated and intensified by stripping the headwaters of our streams of their forests; but these are familiar facts to us all. Common sense, practical experience, and reason convince us that water runs faster and carries with it more dirt on a bare hillside than on a wooded one; that it makes a bigger and quicker flood, and leaves more gullies and barren washed land in its wake.

Experts are known to differ. The Chittenden theory that cleared mountains and hills are better for flood protection and less menacing to navigation than if forest covered is at direct variance with the accepted theories of the majority of engineers of this and foreign countries.

Prof. G. F. Swain, of Massachusetts Institute of Technology, in his statement before the Committee on Agriculture, among other things said:

The forest bed or floor absorbs the water as it comes down and gives it out gradually.

Where the ground is steep there the action of the forest is most important, and there its action is twofold. As I said, it retards the

delivery into the stream of the water which ultimately reaches those streams; it holds the water and delivers it gradually to the ground beneath. It is also a great factor during the winter and spring in retarding snow. The snow which falls in the forests stays there much longer than the snow which falls in the open, and it is melted gradually and therefore is delivered gradually to the streams and fills them up more gradually than if it went off all at once. * * * The flow from the forest then is delivered gradually to the streams. It feeds the springs, keeps up the slow-water flow, prevents the water from going off suddenly into the streams, and furthermore prevents the erosion, because the soil is not carried away by the flowing water. Therefore the relation between the forests and the floods is a perfect and necessary one, and the opinions of engineers, scientists, and geologists all over the world are overwhelmingly in favor of that influence.

I think the birthplace of the floods is in the high mountain slopes, and the control there will have a great deal more efficacy than the control anywhere else.

Fifty years ago a French engineer published a work in which he attempted to show that cutting down the forests diminished the floods. That had no effect on the French Government, and evidently was not shared by the government engineers, because the French Government immediately began thereafter to adopt a forest policy and expend large sums in reforestation of the mountains. Recently, within a few months, an American engineer, a member of the Corps of Engineers of the Army, has published a paper, which the chairman has referred to, in which he almost gives the identical arguments which were given fifty years ago by the French engineer. I hope they will be followed by the same action which was followed in France. * * * When asked if he knew of any engineer of good standing who agrees with Colonel Chittenden in his conclusions, he replied:

"I have not met with any, sir; and I hope that the chairman of the committee will read the discussion on Colonel Chittenden's paper, which will appear in the proceedings of the American Society in connection with the paper itself."

I append a statement showing what other nations have done for forest conservation and renovation:

Country.	Ownership of forests.											Cost and product.			Regulation of private forests.			
	Total forest area.	Percentage of total land area.	Per capita forest.	State.	Crown.	Communities.	Corporations.	Institutions.	Associations.	Private.	Exports (net).	Imports (net).	Expense per acre.	Net yield per acre.	Wood yield per acre.	Protection.	Non-protection.	Per capita wood consumption.
	Acres.	Per ct.	Acres.	Per ct.	Per ct.	P.ct.	P.ct.	P.ct.	P.ct.	P.ct.	Tons.	Tons.	Dolls.	Dolls.	Cu.ft.			
Germany.....	34,585,375	25.9	0.61	33.9	1.8	16.1		1.5	2.2	46.5		4,600,000	2.17	2.40	38.58	Yes.	Yes.	40
Prussia.....	10,436,240	23.7	.59	30.9	.9	13.3		1.2	2.9	50.8			1.61	2.50	65.00	Yes.	Yes.	
Saxony.....	430,000	25.8	.98	45.2		6.0		2.6		46.0			3.00	5.30	93.00	Yes.	Yes.	
France.....	23,744,703	18.2	.61	12.0								1,230,000	.95	1.75	39.87	Yes.	No.	25
Switzerland.....	2,120,195	20.6	.66	4.6		66.9				28.5			1.50-7	3-9	50.00	Yes.	Yes.	38
Austria.....	24,135,136	32.5	.91	7.3						92.7			.56	.21	42.87	Yes.	No.	57
Hungary.....	22,291,115	28.0	1.16	15.2			20.0	7.5		47.3	3,670,000		.34	.32	51.44	No.	No.	
Norway.....	16,348,731	21.0	7.53	28.5			4.6			66.9	1,040,000				20.43	No.	No.	128
Sweden.....	48,411,124	47.6	9.41	33.2			5.5			61.3	4,460,000		.2	.09	19.29	No.	No.	140
Denmark.....	590,000	6.3	.24	23.8								470,000				No.	No.	
Russia:																		
European.....	575,000,000	39.0	3.91	66.4						33.6	5,900,000		.01	.06	5.14	Yes.	Yes.	90
Asiatic.....	350,000,000														6.28			
Finland.....	50,000,000	63.0	18.53	35.0											20.00	No.	No.	90
India (British).....	149,000,000	24.0	1.92	9.5							55,000			.23		No.	No.	1
	138,928,640																	
Japan.....	57,718,410	59.0	.91	56.8	9.10	7.5			5.7	25.9		5,000	.13	.24	35.00	No.	No.	43
Canada:																		
Commercial.....	290,000,000		48.4												46.58			188
Total.....	800,000,000	34.0	149.0	25.0							2,144,000							
Roumania.....	6,293,297	18.0		40.0		8.0				52.0	60,000							(*)
Italy.....	10,318,891	14.6	.32	4.0		43.0				53.0		420,000		.33	19.57			13
Spain.....	20,964,727	16.9	1.13	84.0														(*)
Turkey.....		20.0	1.72															
United States.....	650,000,000	28.0	7.73	25.0						75.0			.0093	.00086				235

* Russian and Siberian forests together=1,925,000,000 A.=9 acres per capita.
 * Shrines and temples.

* No figures.
 * Assuming total cut = 20,000,000,000 cubic feet.

FLOODS.

Our navigable rivers and our harbors are among our richest assets. Since 1802 the duty of the National Government to develop and improve them has been fully recognized. Each year has witnessed an increased appropriation for these purposes. From \$30,000 for Delaware River in 1802 the appropriation has grown until the last river and harbor bill carried the sum of \$80,000,000. Within the year strong demand has been made that \$500,000,000 be spent in development and improvement of our inland waterways in installments of \$50,000,000 per year.

Upon no question confronting Congress to-day does public sentiment appear to be so unanimous nor demanded by a greater number of States. Conservation of forests, development of waterways, appeals to all States, all sections, and all industries. History warns us against neglect or delay. The living are urging us to action, and posterity appeals to us. Knowledge is before you, warning has been served upon you, and failure to apply your knowledge will surely entail untold loss and disaster in the future.

By the stripping of forests since 1900 flood damage has increased from \$45,000,000 to \$238,000,000. Soil carried into our two hundred and eighty-odd rivers and into our harbors is estimated at 800,000,000 tons. Who can estimate this damage to

our farm lands, to our commerce, to our factories and our waterpowers?

Protection of forests and its connection with river flow has been so clearly and so often shown that we need not longer dwell upon it. It has been urged by so many individuals, institutions, bodies, and interests that only a partial list could be given. Before the Agricultural Committee of the House in 1908 appeared representatives of the National Board of Trade, of the Massachusetts Institute of Technology, of the National Association of Cotton Manufacturers, of the American Institute of Electrical Engineers, numerous power-development companies, of the American Society of Electrical Engineers, the governors of Georgia and of New Hampshire, representatives of many business associations, and representatives of 20 States. The list of resolutions filed is enormous. The President, Secretary of Agriculture, and forestry officials have urged and recommended it. Mr. Pinchot has forcibly presented it to the committee, and his statement shows what a vast amount of thought, knowledge, and labor he has devoted to the subject.

As early as January 3, 1901, the Secretary of Agriculture, in a report to the President, said:

The rapid consumption of our timber supplies, the extensive destruction of our forests by fire, and the resulting increase in the irregularity of the flow of water in important streams have served to develop among

the people of this country an interest in forest problems which is one of the marked features of the close of the century. In response to this growing interest the Government has set aside in the western forest reserves an area of more than 70,000 square miles. There is not a single government forest reserve in the East.

The conference of governors of States and Territories in May, 1908, in the declaration adopted, said:

We declare our firm conviction that this conservation of our natural resources is a subject of transcendent importance, which should engage unremittingly the attention of the Nation, the States, and the people in earnest cooperation. These natural resources include the land on which we live and which yields our food; the living waters which fertilize the soil, supply power, and form great avenues of commerce; the forests which yield the materials for our homes, prevent erosion of the soil, and conserve the navigation and other uses of the streams; and the minerals which form the basis of our industrial life and supply us with heat, light, and power.

We agree that the land should be so used that erosion and soil wash shall cease; and that there should be reclamation of arid and semiarid regions by means of irrigation, and of swamp and overflowed regions by means of drainage; that the waters should be so conserved and used as to promote navigation, to enable the arid regions to be reclaimed by irrigation, and to develop power in the interests of the people; that the forests which regulate our rivers, support our industries, and promote the fertility and productiveness of the soil should be preserved and perpetuated; that the minerals found so abundantly beneath the surface should be so used as to prolong their utility; that the beauty, healthfulness, and habitability of our country should be preserved and increased; that sources of national wealth exist for the benefit of the people, and that monopoly thereof should not be tolerated.

We declare the conviction that in the use of the national resources our independent States are interdependent and bound together by ties of mutual benefits, responsibilities, and duties.

We urge the continuation and extension of forest policies adapted to secure the husbanding and renewal of our diminishing timber supply, the prevention of soil erosion, the protection of headwaters, and the maintenance of the purity and navigability of our streams. We recognize that the private ownership of forest lands entails responsibilities in the interests of all the people, and we favor the enactment of laws looking to the protection and replacement of privately owned forests.

We recognize in our waters a most valuable asset of the people of the United States, and we recommend the enactment of laws looking to the conservation of water resources for irrigation, water supply, power, and navigation, to the end that navigable and source streams may be brought under complete control and fully utilized for every purpose. We especially urge on the Federal Congress the immediate adoption of a wise, active, and thorough waterway policy, providing for the prompt improvement of our streams and the conservation of their watersheds required for the uses of commerce and the protection of the interests of our people.

From the report of the National Conservation Commission itself, the following references to waters and forests are found:

"The first requisite for waterway improvement is the control of the waters in such manner as to reduce floods and regulate the regimen of the navigable rivers. The second requisite is development of terminals and connections in such manner as to regulate commerce.

"Forests in private ownership can not be conserved unless they are protected from fire. We need good fire laws, well enforced. Fire control is impossible without an adequate force of men whose sole duty is fire patrol during the dangerous season.

"The conservation of our mountain forests, as in the Appalachian system, is a national necessity. These forests are required to aid in the regulation of streams used for navigation and other purposes. The conservation of these forests is impracticable through private enterprise alone, by any State alone, or by the Federal Government alone. Effective and immediate cooperation between these three agencies is essential. Federal ownership of limited protective areas upon important watersheds, effective state fire patrol, and the cooperation of private forest owners are all required.

"There are in continental United States 282 streams navigable for an aggregate of 26,115 miles, and as much more navigable if improved. There are also 45 canals, aggregating 2,189 miles, besides numerous abandoned canals. Except through forestry in recent years, together with a few reservoirs and canal locks and movable dams, there has been little effort to control headwaters or catchment areas in the interests of navigation, and none of our rivers are navigated to more than a small fraction even of their effective low-water capacity.

"The practical utility of streams for both navigation and power is measured by the effective low-water stage. The volume carried when the streams rise above this stage is largely wasted and often does serious damage. The direct yearly damage by floods since 1900 has increased steadily from \$45,000,000 to over \$238,000,000.

"The freshets are attended by destructive soil erosion. The soil matter annually carried into lower rivers and harbors or into the sea is computed at 780,000,000 tons. Soil wash reduces by 10 or 20 per cent the productivity of upland farms and increases channel cutting and bar building in the rivers. The annual loss to the farms alone is fully \$500,000,000, and large losses follow the fouling of the waters and the diminished navigability of the streams.

"It is now recognized by statesmen and experts that navigation is interdependent with other uses of the streams; that each stream is essentially a unit from its source to the sea; and that the benefits of a comprehensive system of waterway improvement will extend to all the people in the several sections and States of the country.

"The first requisite for waterway improvement is the control of the waters in such manner as to reduce floods and regulate the regimen of the navigable rivers. The second requisite is development of terminals and connections in such manner as to regulate commerce."

This is not an ideal bill from the view point of the original advocates of the measure. It is, in fact, a compromise bill and made to conform to the views of the Judiciary Committee of the House, which was instructed to inquire into the constitutional authority for any such act, and made its report to the last session of Congress.

If the administration of this important and far-reaching measure by the commission appointed proves unsatisfactory, future Congresses can correct the mistake and enact proper legislation.

No more important matter has come before this Congress. It affects the welfare of coming generations. The Members of this

House who have for years, in season and out of season, voted for this legislation look forward with hope and pleasure to the time when their labors shall be rewarded, and they shall receive from their country and their constituents the plaudit of "Well done, good and faithful servants."

Mr. WEEKS. Mr. Speaker, I now yield ten minutes to the gentleman from New York [Mr. SULZER].

The SPEAKER. The gentleman from New York is recognized for ten minutes.

Mr. SULZER. Mr. Speaker, this is a most important bill. There are some features in it, however, I do not like, but under the rule I can not move an amendment, and must vote for or against the bill just as it is presented. Its general purpose is designed to permit the Federal Government to acquire lands in any part of the country in order to protect the great watersheds and promote the navigability of our large streams. Every safeguard to insure economy of administration has been invoked and, in my opinion, every constitutional objection has been carefully eliminated. Take it all in all, I believe it to be a good bill, in the interest of all the people, and I shall cast my vote for it, believing in the end it will accomplish much good and result in lasting benefits to the country.

The chief purpose of the bill, it appears to me, is to protect our navigable streams. Incidentally, of course, there will be great benefits to the whole country in other directions. Water power, like navigation, depends on the regular flow of the streams. The amount of water power capable of development in the United States is sufficient to operate every mill, drive every spindle, propel every train and boat, and light every city, town, and village in the country. The continued successful development of many of our industries in the future depends in large part upon the present protection of our inland waterways. We are using three times more timber every year than the forests produce, not that we have an insufficient area of forest land, but because our forests are not protected from fire nor properly safeguarded and economically utilized.

The damage caused annually by the decimation of our forests is beyond calculation. The figures are appalling. According to the most accurate tables at present obtainable flood damage alone in the United States amounts to over \$200,000,000 a year, and increasing more and more as the axman's blows resound and the seasons come and go.

It can be said without fear of successful contradiction that all rivers whose watersheds have been denuded show flood increases. They are the greatest in such streams as the Ohio, Cumberland, and Santee, where the greatest quantity of timber has been removed, and least in those streams on whose watersheds forest conditions have been least disturbed. Except in the change thus unfortunately wrought by man there have been no factors that could have intensified flood conditions. In the Ohio River in seventy years the number of floods at Wheeling has increased 62 per cent and their aggregate duration 116 per cent.

Then, again, it is estimated that the annual soil wash in the United States is about 1,000,000,000 tons, of which the greater part is the most valuable portions of the land. It is carried into the rivers, where it pollutes the waters, necessitates frequent and costly dredging, and reduces the efficiency of work designed to facilitate navigation and prevent floods. Soil when once lost is replaced with great difficulty. Consequently the protection of the forests on the slopes which are too steep otherwise to be utilized means actually immense gain in soil conservation.

If we want to preserve our soil and promote our navigable streams, we must protect our watersheds and prevent the further decimation of our forests. To those who have intelligently studied this subject these propositions are elemental. The relation of the mountain forests to the navigability of inland water is the same the world over. Every country that has maintained an even and sufficient flow of streams for the purposes of commerce has had to maintain, and in some cases establish, upon the headwaters of the streams forests to hold the soil in place and prevent overwhelming floods. Germany stands in the forefront of nations in inland-waterway development, and she has all of her high mountains protected by forests. These forests have been under government management for a hundred years, and they are the most productive and profitable in the world, yielding an average net return of \$2.40 per acre. The stripping of the forests from the mountains of France was unchecked until 1860, by which time 800,000 acres of farm land had been ruined or seriously damaged and the waterways practically destroyed. The population of 18 departments had been reduced to poverty and forced to emigrate. A futile attempt was then made to check the torrents by sodding. It was only by the acquisition of the bare lands, the building of stone walls for the gathering of silt, and the planting of trees

on the soil held in check by those walls that the French Government was able finally to accomplish satisfactory results.

The Chinese Empire presents in the most forcible way the calamitous results of deforestation. China is the only great country which has persistently destroyed her forests. What has been done in other countries stands out in bold relief against the background of China, whose mountains and hills have been nearly denuded of trees and whose soil in many districts is completely at the mercy of torrential floods. Trees have been left only where they could not be reached. Streams which formerly were narrow and deep, with an even flow of water throughout the year, are now broad, shallow beds choked with gravel, sand, and rocks from the mountains. During most of the year many of them are entirely dry, but when it rains the muddy torrents come pouring down, bringing destruction to life and all forms of property. In a word, the Chinese, by forest waste, have brought upon themselves two costly calamities—floods and deserts.

The great increase of floods in our rivers, with the resultant damage to property and annual loss of soils, shows that in some sections of the country we are rapidly approaching the situation in China. We must act promptly in this matter. It is yet time for nature to restore the forests on our mountains, but the day is rapidly coming when it will be too late.

The question of protecting the forests at the headwaters of the streams is a national as well as a state problem. It is not right to expect the State to deal entirely with areas requiring protection when those areas affect chiefly other States. It is impossible for States which suffer from conditions outside of their own territory to remedy them by their own action. The mountains of the West are already largely under Government protection. So far as they are not protected this bill is applicable to them. It is applicable to all other sections of the United States in which the source streams of the navigable rivers lie in nonagricultural, mountainous regions, and it is believed that this bill will go far to accomplish the necessary protection to the Southern Appalachians and White Mountains. For these reasons I shall vote for this legislation, indulging the hope that any defects in this measure can be speedily remedied by future enactments.

The conservation of our natural resources is a great economical question. It is of momentous importance to all the people; and I want to say that I am now, and always have been, in favor of preserving our forests by intelligent forestry legislation. I am in favor of protecting our watersheds, and utilizing to the utmost our numerous rivers as they flow from the mountains to the seas; and I believe that now is as good a time to begin as some time in the future. We must preserve our forests; we must protect our watersheds; we must promote the utilities of our rivers. This is the plain duty of the hour, and if we fail to do it, we invite the deluge and create the desert. Hence I am for any plan along constitutional lines that means an intelligent beginning.

The systematic protection of our wonderful natural resources means much to our glorious country now and much more in lasting benefits to future generations. The willful waste of these natural resources—the devastation of our forests, the destruction of our watersheds, the elimination of our rivers—means decay and death and desert wastes, means in the centuries yet to come the conditions we now witness in northern Africa, in western Asia, in Italy, and in Spain. The world is learning by experience. We must learn in the same school. We can not violate natural laws with impunity; we can not neglect fundamental principles and escape the consequences; we can not decimate our forests and have our rivers, too, and without them our fertile fields will ere long be barren wastes. Shall the sad story of the ancients be repeated in America? Shall we never take heed? In the history of the past let us realize the duty of the present, and by intelligently responding to the essential demands of the hour we will be true to our trust, and future generations appreciating our work will rise up and call us blessed. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SCOTT. I yield five minutes to the gentleman from North Carolina [Mr. HACKETT].

[Mr. HACKETT addressed the House. See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 265. Joint resolution to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, had still further insisted upon its amendments disagreed to by the House of Representatives, had asked a still further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8200. An act for the relief of C. M. Cox; and

S. 9405. An act to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 28046. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 5728. An act for the relief of James H. De Coster; and

H. R. 28285. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 9242) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. CURTIS, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. CURTIS, and Mr. TALIAFERRO as the conferees on the part of the Senate.

HALL OF THE HOUSE.

Mr. McCALL. Mr. Speaker, as the Senate amendment to House joint resolution 265 is merely to correct a clerical error, I move to concur in the amendment.

Mr. UNDERWOOD. What is the purpose of this proposition? Mr. McCALL. It is merely clerical. We referred in the House resolution to a resolution passed at the last session as No. 419. It should have been 429.

The question being taken, the Senate amendment was concurred in.

APPALACHIAN AND WHITE MOUNTAIN FOREST RESERVE.

Mr. WEEKS. I now yield to the gentleman from Tennessee [Mr. BROWNLOW].

Mr. BROWNLOW. Mr. Speaker, the tact, grit, and ambition of the American people are not the only factors which have achieved their wealth, ease, high prestige, contentment with their conditions and environments, and their great estimate of their own powers and capabilities. Generosity and elevated taste are forces as potential as these in the formation of the national character. They are a practical people, know the value of a dollar, and are always ready and willing to earn it. This high appreciation of the value and dignity of labor and the beneficent results that follow it with the precision that marks all moral certainties insures a glorious compensation for all the energies of body and mind expended to reach the highest of a free, robust, and stable Republic. This sentiment, born of enlightened aspirations for the best, noblest, and grandest in life, and imbued with the genius of courage, liberty, and adventure, has energized and vitalized this Government from its very inception.

Every true American feels it tingling in his veins and throbbing in his heart. It quickens his brain and pulse, stirs his soul with sublimest inspirations and throws the golden light of hope over all his future. It is thus he becomes a pioneer, an originator, a toiler, a projector, and a builder.

Commercialism is an intuition, and he cultivates it for all there is of help and value in it. The stirring impulse of commercialism has led him into every field of industrial enterprise. Possessing the land, it was his God-diverted mission to subdue it and utilize all its amazing capabilities for the uses of mankind.

The wilderness receded from him and fruitful gardens appeared in its place. He has made bleak and barren New England resonant with the thud of loom and the whirl of spindle, building mills and factories along the majestic Merrimac as thick as castles on the Rhine. In this region where nature is unkind in soil and climate and he had so many formidable obstacles to encounter and overcome, his commanding intelligence, skill, and energy has wrought princely fortunes and created magnificent industrial enterprises whose products have found their way into all civilized lands.

In New England a weaver manufacturing clothing for the millions. In Pennsylvania the true American is an ironmaster. He is delving into her coal and ore treasures, building mills, foundries, and workshops in the recesses of her rugged mountains and lining her magnificent streams with smoking Pittsburghs. His achievements are so great in the Keystone State that her finished products lead the iron and steel markets of the world.

The true American is a flock master and a farmer on the ocean prairies of the West, that boundless empire of exhaustless fertility of which he is the uncrowned and untitled king. His fleeces keep the American woolen mills in operation and his granaries and stock yards supply wheat, corn, beef, mutton, and pork for millions at home and abroad.

The true American is the magician of renovation. He touched the dead body of the South and it sprang to its feet with the bounding vigor and lusty life of a giant. The vine flowered on the crumbling battlements of war and the harvest grew from the hoof prints of charging cavalry. He stretched out a hand of welcome, help, and rescue to the South, a-weeping for her slain amid abject poverty and the general wreck of all her cherished idols and ideals, and turned her despair into hope and her burning tears into a fountain of glad waters. It is no longer the torn, bleeding, and wasted South, but the "Old South," if the term be more pleasing, disenthralled, and rejuvenated by new systems of industry and enterprise, liberalized by new ideas and ideals born of the genius and spirit of modern progress, and, in place of blind partisanship, a soul to appreciate and a clarified vision to see a destiny of incalculable glory and grandeur in the resistless trend of the new century.

The true American is a diplomat, controlling the parliament of the world, not by the cruel craft of greed or the enchantments of speculation, but by a quicker intelligence, a clear insight into the designs of Providence, and a wiser and nobler conception of the duties of men and nations.

The true American is a soldier and a philanthropist, fighting the world's battles, as well as his own, for human rights and liberties. He laid his puissant hand on the hoary despotism that enslaved and despoiled the fairest isles of all the oceans and it crumbled into dust, and now, still their defense, he is helping their freed peoples to solve the problem of self-government by the processes of education and the precepts of civilization and Christianity.

Along with his keen and tireless pursuit of business and wealth, his discoveries in science, and the marvelous creations of his inventive genius, which has given to the world the sewing machine, the cotton gin, harvester, telegraph, telephone, and a thousand most useful devices, along with his ever-enlarging scope of statesmanship, triumphs of diplomacy, and the constantly repeating victories of peace far greater and more beneficent than his victories in war, the true American has assiduously cultivated his æsthetic tastes.

Admiration for the beautiful and grand is with him a fond devotion. He is consecrated to art. This exalted sentiment of his character finds expression in painting, sculpture, elegant homes, triumphal arches, towering monuments, and splendid temples. There is oratory and song and stately measures in his architecture that surpass all the beautiful symmetries and imposing elegancies of the mingled Ionic, Doric, and Corinthian.

The true American, who has made this country the lady of the nations, constitutes the great mass of American citizenry. The Greeks built the Parthenon to show forth in deathless expression their love of art and beauty, and the American people consider no task nor expenditure in evincing the same glorious instinct of civilization in creations of majesty and splendor.

The primitive impulse may be a blend of Roman, Grecian, and Egyptian ideas conceived and matured in the bright eras of the history of the ancients, but if this be so, these ideas have been enlarged by the energies of a superior intelligence and aspiration and spiritualized by a deeper consecration to the divine ideals of freedom.

The American people surpass all others in tactful combination of the useful and practical with the beautiful and majestic. They gaze with awe upon Niagara, yet all the time are devising plans to harness its idle boundless power to machinery for their enjoyment, convenience, and profit. They create nothing merely to look at and admire. Its significance must be suggestive at least, as well as impressive. They revolt at the idea of mere show and decoration for their sake only, yet their æsthetic character, ever broadening and enlarging and keeping pace with the march of their industrial triumphs, is free from the debasing taint of commercial lust. Their marvelous prosperity teaches them to appreciate their opportunities and to value their natural wealth, and in their earnest and persistent pursuit of solid comfort for themselves they do not overlook the obligation to husband their God-given heritage for future generations.

They are beginning to understand why the Creator in spreading out the prairies adorned them with timber belts and in piling up the hills and mountains covered them with magnificent forests. Its forests are the chief glory and beauty of the American Continent. They are storm resisters, conservatories of health, and unfailing reservoirs of fertility.

It is a fact established by experience that forests control climatic conditions. They mollify the vigor of winter and the fervor of summer, in this way contributing to the comfort of the people. Diseases of the worst type and disastrous droughts and floods follow their destruction as surely as distressing punishment follows the violation of nature's laws. The system of natural drainage is destroyed by constant washing; the land impoverished and the low-lying places become cesspools of fetid decay, whose poisonous exhalations laden the air with deadly germs.

Hygienic principles proclaim against vandal waste of the forest, and every drought and flood is an appeal for forest preservation. Forest preservation has become a question of national interest and one of the greatest importance. It is a question on which the serpent of politics can not leave the slime of its trail. It is not only a question of æsthetics, but of health and economy as well; and the American people are demanding of Congress the protection of the virgin forest against the encroachments of that insatiate greed which would spread utter desolation where nature has stored the plant food for bountiful harvests and millions can build elegant and comfortable homes.

In response to this demand, Congress has segregated the following sections as forest reserves:

Number.	State.	Name.	Acres.
1	Wyoming.....	Yellowstone Park.....	1,229,040
2	Colorado.....	White River Plateau.....	1,198,080
3	New Mexico.....	Pecos River.....	430,880
4	Colorado.....	Pikes Peak.....	184,320
5	Oregon.....	Bull Run.....	142,080
6	Colorado.....	Plum Creek.....	179,200
7	do.....	South Platte.....	683,520
8	California.....	San Gabriel.....	555,520
9	Colorado.....	Battlement Mesa.....	856,960
10	Alaska.....	Atognak.....	403,640
11	California.....	Sierra.....	4,096,000
12	Washington.....	Mount Ranier.....	2,027,520
13	Arizona.....	Grand Canyon.....	1,851,520
14	California.....	San Bernardino.....	737,280
15	do.....	Trabuco.....	109,920
16	Oregon.....	Cascade Range.....	4,577,120
17	do.....	Ashland.....	18,560
18	California.....	Stanislaus.....	691,200
19	do.....	San Jacinto.....	737,280
20	Idaho and Montana.....	Bitter Root.....	4,147,790
21	Idaho and Washington.....	Priest River.....	645,120
22	South Dakota and Washington.....	Black Hills.....	1,211,680
23	Utah.....	Uintah.....	875,520
24	Washington.....	Washington.....	3,426,400
25	do.....	Olympic.....	1,466,880
26	Wyoming.....	Big Horn.....	1,147,840
27	do.....	Teton.....	829,440
28	Montana.....	Flathead.....	1,382,400
29	do.....	Lewis and Clark.....	2,926,080
30	California.....	Pine Mountain and Zaca.....	1,644,594
31	Arizona.....	Prescott Lake.....	423,680
32	do.....	San Francisco Mountains.....	975,360
33	do.....	Black.....	1,668,880
34	Utah.....	Fish Lake.....	67,840
35	Montana.....	Gallatin.....	40,320
36	New Mexico.....	Gila River.....	2,327,040
37	California.....	Lake Tahoe.....	136,335
38	do.....	Santa Inez.....	145,000
39	Wyoming.....	Crow Creek.....	56,320
40	Oklahoma.....	Wichita.....	57,120
41	Utah.....	Payson.....	84,400

These reserves, embracing nearly fifty millions of acres in the aggregate, are all located in the West. The object of their segregation is to preserve the timber from the devastation of the lumber vandals and to maintain reservoirs for the irrigation of arid lands and resorts for pleasure and health seekers.

The great Appalachian chain, stretching from Vermont to Georgia and embracing millions and millions of acres, has been entirely overlooked by the Government. In the eastern section it has been almost entirely denuded, to furnish lumber for the city markets, and to this fact is owing largely the large and increasing number of homes abandoned in the territory contiguous to the mountains, where the owners could not make tongue and buckle meet on account of the alternations of excessive droughts and rainfalls.

It is a physical fact, clearly demonstrated on a small scale year after year, that the destruction of the Appalachian forests would soon depopulate and utterly impoverish one-half of the American Continent, and that part of it the richest in natural wealth and which produces the most varied and useful harvests. The Appalachian Range is the nursery of the country, its training school and academic hall. It has furnished the heroes, statesmen, and educators that have subdued the savagery of the West and built the proud and prosperous Commonwealths that now adorn it. It still furnishes the capital and skill that projects and sustains its vast enterprises. It should be preserved from the all-devouring rapacity of the woodman's greed.

The area of the southern Appalachian within the Virginias, the Carolinas, Georgia, Alabama, and Tennessee which the bill under discussion proposes to convert to a national park and forest reserve is the most picturesque and romantic section in all the Southland. Its scenic grandeurs of towering altitudes, dashing waterfalls, rocky ramparts, "deep, silent recesses of everlasting shade," acclivities aflame with flowers that no botanist yet has named, and valleys soothed to the bliss of peace by minstrelsy of singing streams. That portion of this section embracing the southern part of upper east Tennessee and the northern part of western North Carolina is peculiarly rich in history and tradition; on the Tennessee side was the Watauga settlement, the germ of its statehood.

Its lofty peaks look down on lesser altitudes, and these look down upon Watauga, the river of beauty, on whose banks gathered the pioneers who, under the lead of Sevier and Shelby, armed with the primitive implements of war and the sword of Gideon and the Lord at their sides, marched through the Appalachian solitudes, threaded their tortuous defiles, scaled their rugged heights, and threw themselves, an avalanche of dismay, terror, and death, against the Hessian hosts of Ferguson and closed the gory annals of a seven years' struggle with the decisive battle of the Revolution. Were this the only reason it would be enough to preserve the chief natural glory and beauty of this particular region.

The reasons why this bill should become a law are manifold, and I shall attempt a few only:

First. It is a matter of economy.

Second. The South and East have no national park and forest reserve, whilst the North and West have many, amounting in all to 46,000,000 acres.

Third. To show that the Government has a deep concern for the welfare of the people of all sections.

Fourth. To put in glorious and everlasting expression the æsthetic taste of every intelligent and cultured American.

Fifth. That the region covered by this has the only hardwood forests remaining in the country.

Sixth. That greed with ax and saw is rapidly devastating these magnificent forests, and if unrestrained will in course of a few years make the establishment of a national forest reserve in this part of the country an impossibility.

Seventh. That the section contemplated forms the watershed for the Southeastern States, and to retain the water supply of these States it is absolutely necessary to preserve the timber of the mountains.

Eighth. The region under contemplation has railway connections with every part of the country and is within a few hours' distance of the National Capital.

Ninth. That this region has every essential in climate, scenery, and timber for a national park and forest reserve.

Tenth. That this region is most peculiarly adapted for the raising of game and fish culture.

Eleventh. That it is the paramount duty of this generation to preserve intact such a picturesque and romantic section that their posterity may see a part of the country in its primeval condition.

The builders of the Nation built wiser than they knew; they built exceedingly well. But had they been as wise a century ago as they are now they would have had a ceaseless and vigilant care for their timber wealth which, in its primeval condition, was the chief glory and grandeur of this highly favored country. Its vast forest reservations and national parks would not be located west of the hundredth meridian in the far distance toward the Pacific, where the people of the East and South can not visit them on account of the time and money required. These reservations would now be found all over the vast territory which was owned by the Government a hundred years ago. The landscape of the eastern part of the Mississippi would still retain the romance and fascination with which the Great Architect and Artist overspread them, and the forest acreage of the southern Appalachian would have been preserved against the inroads of the spoiler.

No richer legacy could have been bequeathed to the present and future generations, and these reservations would be justly esteemed as being no inconsiderable part of our national treasures and blessings. If the principle of reservation, now definitely adopted in the West, is not now applied to the southern Appalachians, in a few brief years, if the process of denudation goes on at the same ratio as it has in the past few years, the country will be stripped of every requisite for a forest preserve.

There will be nothing worthy of preservation. In the process of time it will be a bleak and dreary solitude of tempest-riven peaks, the dry channels of perished streams and naked and sun-scorched declivities, unless nature reverses her law of punishment for timber destruction. Now is the time, the set time, to begin the work of preservation. The opportunity is already receding from us.

In the section of the southern Appalachians under contemplation in this bill there are still large areas of original growth that retain their primeval splendor. It is peculiarly fortunate that the most of this original growth forms forests that are self-renewing and in the areas where the growth has not been actually exterminated, if protected from the ax and fire, it will regain in a few years, compared with the lifetime of the Nation, all the grand and beautiful features of a primitive forest domain.

A conclusive argument for the passage of the bill from an economic and æsthetic standpoint is that the district covered by it is the only one possessing the requisite for a great national reservation in the eastern section of the United States. It has an average range of elevation of about 5,000 feet and embraces Mount Mitchell, the Roane, and hundreds of other peaks higher than Mount Washington. On these high elevations grow the most majestic of the broad-leaved forests of the eastern part of the United States; they afford the climatic conditions required by this valuable species of forest growth.

Regarding the purposes of this bill, an eminent authority, who is a profound student of national science and has made the physical features of the American continent and their attendant climatic conditions a close and careful study, says:

Although a national reservation in the southern upland will, perhaps, most commend itself to the people from their interests in the noble forests, which it will permanently preserve, there are economic considerations that would of themselves warrant the undertaking. The effect of such a forested area on the streams which have their headquarters in this mountainous district would be considerable and most advantageous. Properly located, this park would include the tributaries of rivers that flow into the Ohio, as well as streams that course to the Atlantic.

It is evident that in the future these water courses, like all others in settled countries, are to be utilized as sources of electric power. Owing to the form of the country, it will not be possible, as in New England, to hold back the stream water in reservoirs for use in the dry season of the year; the only economical method will be to have the water stored in the spongy mat which naturally forms in an unbroken forest, and which to a great extent prevents the water courses from becoming beds of torrents in the rainy seasons and in other times dry channels. In proportion to its area and rainfall, in relation to the whole of the drainage of the rivers flowing from it, such a forest reservation would serve to diminish the floods which year by year become more destructive to the tilled grounds and towns along the lower reaches of our great waterways, and more injurious to their value for navigation. This evil, already great, is constantly becoming a more serious menace as the steep sides of the mountains are further stripped of their woods.

It is, indeed, likely that before the end of the century it will be a matter of national concern. So far as the proposed reservation of forests in the southern highlands will tend to remedy this (that it will in some measure do so is certain), it will help when help is much needed.

In May, 1901, the people living in the Second West Virginia Congressional District, the first Tennessee, and the eighth and ninth North Carolina districts, some contiguous to and parts of them embraced in the proposed reserve, had a severe and memorable object lesson in the terrible results of forest denudation. There was an unusually large rainfall, and the torrents, sweeping down with unresisted volume and force from the

regions where the spoiler had been and uniting their energies of frightful fury in the rivers and streams, swept away mills, barns, houses, bridges, fencing, and the fertile soil off the bottom lands, leaving an unbroken desert of irreclaimable deposit of sand. Thousands of people lost their all, and had the crest of the flood come in the night thousands would have lost their lives.

The loss in dollars to the people of the First Congressional District in Tennessee and the North Carolina district just opposite on the other side of the mountains would be a most reasonable compensation for the 4,000,000 of acres asked for in this bill, and the actual loss in the four congressional districts mentioned will exceed the desired appropriation by \$5,000,000.

Immediately following this terrible flood was the most disastrous drought in the history of this region. The earth baked into dust, wheat and oats partially escaped, but gardens and cornfields were almost an entire failure. But few farmers raised a sufficient amount to carry them over to the next crop, and the great majority can only get through by the stint of a half-starvation economy, having no money to make up the deficit. And this, too, in a region of industry and simple tastes and requirements, where want for man and beast has been practically unknown.

The constituency I have the honor to represent, living in one of the most fruitful and enchanting valleys of the southern Appalachian, as well as the people in the other portions of this flood-ravaged and drought-stricken region, look most anxiously and hopefully to the passage of this bill as a permanent security against the perils and disasters of flood and drought. Without such an arrangement of protection the agricultural and industrial development of this interesting and promising region may become a matter of serious uncertainty.

For the cost of two battle ships we can have this reservation of 4,000,000 acres. We need armaments of war to sustain a masterful independence among the nations and confront the land hunger of those greedy and rapacious powers that rely upon conquest for their enlargement, and these we must have. We also need the armaments of peace that secure the happiness, health, and prosperity of the people against the possibility of injurious and destructive forces.

The reservation proposed by this bill will be an imperial gift enriching beyond measure or calculation the whole eastern part of the United States. In no respect will it be inferior to the National Park of Wyoming, and in many noble features it will surpass it. Besides preserving in their "main cradle place and stronghold" the finest hard woods in the United States and the noblest broad-leaved trees of the Northern Hemisphere, charging the air with the boon of health from balsam and fir and holding a water supply in the spongy mat of its forests, it will be the paradise of the scientist, the geologist, the botanist, the artist, and excursionist. The invalid will come for the breath of its pines and the restoratives of its crystal waters. The sportsman will come with gun and angle to find his heart's desire in its secluded fastnesses and glassy streams, and the rich will come to find in its sweet and peaceful solitudes and amid its singing fountains surcease from the enervations of burdening wealth. It will be the Yellowstone of the Appalachians, the sanitarium and pleasure ground of more than half of the people of the United States.

The intelligence of the country appreciates all these facts and pleads for the passage of this bill.

Mr. WEEKS. I now yield to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, this bill is not all that I would have it, but I think that we should pass it.

The time has come for us to do something to protect the forests of the United States, and if this law does not work as well as we think it should, we can amend it.

I congratulate the gentleman from Massachusetts [Mr. WEEKS] upon his success in getting this bill by the Speaker and on the Calendar for consideration by the House.

I had expected to hear the Speaker say to this bill, as he has said to thousands this session:

Since others are sleeping,
Go sleep thou with them.

Upon the request of many of my Democratic colleagues I shall include in my remarks a fancied picture of mine of the Speaker's room in the closing hours of this session.

On the 3d of March, in the wild noon of night,
The Speaker's room was a ghostly sight.
Busbee sat in the big armchair,
And bills galore around him were there.

This clerk was alone in the Speaker's room,
But voices he heard in the midst of the gloom;
Groans from the basket by the Speaker's chair
Floated sadly along on the smoky air.

"I had hoped," said the voice of a dying bill,
"To pass at this session; am hoping still.
Is there no spot in the Speaker's heart
That responds to this righteous call on my part?"

"Oh, save me, Busbee, I implore,
I've been introduced many times before;
And the voice of Justice cries out to you,
Entreat the Speaker to put me through."

"Do this and the people will say 'amen,'
The down-trodden masses take hope again;
So plead with the Speaker—plead with him now,
For the time is short, I earnestly vow."

"What," says Busbee, "Justice and right!
It's power we love—the power of might;
And we've wielded this power, the Speaker and I,
Your doom is sealed, you'll surely die."

Then the Speaker entered, with a smile on his face,
And said: "Busbee, we've led 'em a terrible chase;
They may talk about Reed and a Russian czar,
They ain't in it at all as you and I are."

Then the Speaker threw down an armful of bills,
Said: "These are their cures for legislative ills,
But PAYNE and DALZELL both well know
How I gave to them all the final blow."

"I do the 'act,' Busbee; you sit behind the screen
And write clever pieces for the monthly magazine.
So betwixt and between us—PAYNE and DALZELL—
We give their good measures a dose of merry—well."

"Rah! rah!" said Busbee, in a high state of glee;
"What would we do if the Members were free
To call up bills and legislate
For the good of the people, the small and great?"

"Well," said the Speaker, solemn and slow,
"We'd be in a ——— of a fix, you know;
The Democrats would get control,
And CHAMP CLARK, their speaker, a great, big soul,
Would restore the House to her former fame,
And good laws the Members would wisely frame."

"Mr. Speaker," said Busbee, in an undertone,
"While you and I are all alone,
I observe the country smells a mouse,
And clamors for a change in the rules of the House."

"Yes," said the Speaker, "that may be true,
But what in the ——— can the country do,
When I'm in the chair and PAYNE and DALZELL
Are both on on the floor 'er givin' 'em—well, well."

The walls of dying bills shook the Capitol,
The ghosts of dead measures perched above the Speaker's door,
Perched and sat and nothing more.

Mr. WEEKS. I now yield four minutes to the gentleman from North Carolina [Mr. WEBB].

[Mr. WEBB addressed the House. See Appendix.]

Mr. SCOTT. I now yield to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, we hear a good deal said about the conservation of the natural resources, but we do not hear much said about the conservation of the Treasury of the United States. [Laughter.] We have a deficit, or will have at the close of this year, of about \$130,000,000. No human ingenuity can frame a revenue measure that will equal the expenditures of the first fiscal year under that measure. We face a bond issue in time of peace for the ordinary expenditures of the Government. But here comes this measure with an appropriation of \$2,000,000 annually to be taken out of the Treasury of the United States for a period of ten years. They talk about taking it out of the forestry fund, which amounts to about a million and a half a year now paid into the Treasury, and the charges against which are more than \$4,000,000 a year for expenditures.

Come out into the open, gentlemen, and say that you are reaching into the Treasury for \$20,000,000 at the outset of this proposition to reclaim 6,000,000 acres, where the Secretary of Agriculture says you need seventy-five million. Multiply 20 by 15 and you have \$300,000,000 for this property alone, to say nothing of those that may arise from other States. Why do not you gentlemen, who are patriotic and anxious to help the country—for you claim that to be one of the first objects of the bill—go to your States and have them form the agreement that the Constitution allows them to form and take the money out of your taxpayers and pay for these enormous properties? We are doing that thing in the State of New York. We are not coming to the Federal Treasury to preserve our forests, but we use our own money. Gentlemen, have enough State pride, have enough honor about it when you want to benefit your own citizens, to build up the mills on your rivers and make more taxable property, to go ahead and tax your people to pay for it.

This bill creates a commission, Mr. Speaker. Hitherto we have lived up to the rule of the three separate powers in this Government—executive, judicial, and legislative. This proposes a commission, to be composed of three members from the executive branch of the Government, one Member of the Senate, and

one Member of the House, to execute the powers under this bill, and when their actions come to be reviewed they come to the Congress of the United States, the lawmaking power; above all things we should not have the lawmaking powers mixed up with this executive commission. It is a vicious principle, it is an assault upon the principle in the Constitution of the United States to keep the three powers separate forever. Mr. Speaker, in the brief time allotted me it is impossible to even enumerate the objections to this sort of legislation. If you enter upon it, enter upon it with your eyes open and look to the issue of bonds year after year in the future to carry out this extravagant proposition, and that against the opinion of a majority of the scientists of the world, that when you will have done this thing you will not accomplish the object of improving a single navigable stream affected by the area drained under this proposition. [Applause.]

Mr. LINDBERGH. Mr. Speaker, in the limited time at my disposal, I can state only in a general way that I am opposed to the bill before the House, for the reason that it opens up and creates an exceedingly important policy without sufficient limitations. No one can be more enthusiastic for the preservation of our natural resources than I, but we can hardly afford to go into this great question without careful and deliberative study; a study such as we can not give to it in the closing days of our session. The question should not have been brought up now, when we can not as much as offer an amendment. We are compelled to accept or reject the bill as it is before us, and there are some things in the bill I can not vote for, and therefore I am compelled to reject the bill as a whole.

I have before stated my views on this subject on this floor, and I here quote some of my remarks at that time:

"Mr. Speaker, in a general way I doubt the early effectiveness of acquiring forest reserves and placing them under the absolute, exclusive supervision of the Government to the exclusion of everything and everybody. I believe the policy should be materially changed, so as to look forward to a broad policy of general supervision of all forests, public and private, by a regulation of the cutting of the timber and the prevention of destruction by fires, something along the lines established in the Scandinavian, German, and in some of the other progressive countries."

I know the question will be raised as to the right of the General Government to interfere with the individual ownership of private property. It is everywhere conceded that the preservation of the forests is material to the general good, not only for a uniform and permanent supply of timber, but also to attract moisture, and thereby in a measure regulate the waterfall. If that is admitted, and it seems that it must be, it follows that the preservation of the timber is of such general importance that the regulation of its cutting is within the constitutional control of the Government.

If the private ownership has divested the Government of the immediate right to directly interfere in the regulation of the removal of timber from the forests, it still has the right of eminent domain to accomplish that which is universally required. The Government has the power to do anything essential to the general public. If it can not now fix rules and regulations for the cutting and general care of timber on private lands, it may acquire that right through condemnation proceedings, and as it would not be the policy to appropriate the ownership, but merely to regulate the manner of its use, and that for the purpose of conserving the timber, the measure of damages for such control would not be so great as to seriously threaten the Government Treasury. On the contrary, such a system would be far less expensive than that which is now in contemplation.

The Government can not in the present condition of things take the exclusive ownership of sufficient forests to serve the needs of the country with such effectiveness as may be done by regulating the removal of timber from all forests.

It is one thing to conserve timber already growing in the diversity of stages from the first germination of the seed through to the matured tree and quite another to plant and cultivate forests or preserve an ample supply by acquiring the exclusive ownership of special forests. Under the latter system there must be carved out selected districts to the detriment of adjacent communities, and these districts of necessity are far removed from the people in general, while under the former system the forests will continue interspersed as nature originally contributed to us.

I do not consider that we are justified in levying a tax upon the general public to conserve forests in ordinary places for park purposes, to cater to the enjoyment of a comparative few who can afford to make long trips to visit these reserves. I do not, of course, complain of but prefer to approve the maintenance by the Nation of the great, natural, beautiful scenery

spots of our country, like the Yellowstone, Yosemite, and several other places, some of much lesser note and magnificence. But I do not believe in creating at general expense park systems except under exceptional conditions where they are not practically available to the general public.

Mr. GILHAMS. Mr. Speaker, the question of national forest reservation has been interesting the public mind for a considerable number of years. It is not a question that has suddenly come before the committee, but one that has been brought before them for careful consideration at their hands from every part of our country time after time, and this committee reported this bill, believing that if it were adopted it would be of lasting benefit to the present and future generations. The powerful imaginative dynamos that are sending forth the remarkable searchlight visions at this time, in which is seen the enormous expenditure of \$750,000,000 in the near future for the securing of national reservations, is truly amusing, when the bill, if enacted, shuts off the further expenditure of more than \$19,000,000 at the expiration of ten year, being somewhat automatic in its nature.

The preservation of our forest domain has been and will be one of the great sources of our national wealth. It is through the preservation of these forests that our watersheds may be maintained, and, in a sense, become reservoirs to perpetuate and continue the regular flow of water into our navigable streams. It will be through the perpetuation of this water supply that the greatest economical development of our country will be accomplished through water transportation. It will be water transportation that will enable us to cheapen our domestic commercial intercourse and to put our manufactured products, as well as farm products, at the cheapest possible cost into the hands of foreign consumers.

Without this class of transportation and its most perfect development throughout this whole country of ours we can not hope to compete with our foreign competitors, who already have acquired unusual facilities, through water transportation, in the markets of the world. The baldness of our country from lack of preservation of our forests will rob us of one of our greatest sources for economic wealth and prosperity. We can have no ship canals or inland waterways without their preservation and most careful protection, and at this point I desire to call the attention of this House to the fact that a House concurrent resolution (H. C. Res. 18), drawn by myself and filed in the beginning of this Congress, asking for a preliminary survey to determine the feasibility and the probable cost of the construction of a ship canal from Toledo by way of Fort Wayne to Lake Michigan, this canal to be known as the "Michigan and Erie Canal," is still pending. It has received a favorable report from the Committee on Railways and Canals, and is now on the House Calendar, and should have been permitted, in my judgment, to have been taken up on the floor of the House for final passage.

The reasons put forth by those who had control of matters coming before the House for suppressing its passage seemed to me very inadequate and unjust.

It is my belief, my conviction, and hope that the future will demonstrate the correctness and the wisdom of our claim. A ship canal from Lake Michigan to Lake Erie, over the line suggested in our bill, would prove of inestimable value, if constructed, to the whole Nation in the cheapening of the cost of transportation and the enormous saving of fuel over what is now used for transportation purposes. The construction of a canal over this line would be the foundation or trunk line for a network of waterways through Indiana, Ohio, and Illinois.

It would mean the holding within our own borders of the enormous shipping of the products of the West and Northwest to the East and keep them from being diverted through Canada and out to the Atlantic Ocean by way of the Georgian Bay Canal, when completed, which is now in process of construction. It would shorten the distance from Chicago to New York, in round trip, 800 miles, a distance equal to that from Chicago to Baltimore. It would make the distance by water from Chicago to New York City the same as that by rail to-day. It has been demonstrated in our own country and in Europe that the cheapest of all water transportation is by barge fleets. The cost of transportation on the Ohio River in barges is about one-third of a mill per ton-mile, and many times the transportation has been for less money. There is no doubt in my mind that transportation by barge fleets on the Michigan and Erie Canal and the deepened Erie Canal, if constructed, would be cheaper than any water transportation ever before known.

It is through this line of water transportation that we will be enabled to hold the grain trade within our own borders of the mighty West. One of the reasons that contributes to the economy of transportation by barges is the economy in the cost of construction per ton capacity, which averages from \$8 to \$15

per ton, while the cost of the mighty ocean-going vessels and lake-going vessels is from \$50 to \$80 per ton, or more than five times the cost in construction.

In the summer of 1908 50 great ocean steamers were idle because there was no grain to transport from the city of New York, and the grain from our western wheat fields was passing through the Canadian waters to Montreal for transportation to Europe. The steamship companies took up the question with the Produce Exchange of New York, and the produce exchange in turn took up the question with the trunk-line railroads. The trunk-line railroads answered that they could not meet the rates of water transportation without inviting bankruptcy to their roads.

Mr. Randall, of Fort Wayne, Ind., in discussing this question with an officer of the Chicago Board of Trade recently, was told that "while Chicago was very anxious for a barge waterway connecting it with New York, and that they must have it for the protection of their grain trade, they were not in any way in such a bad shape as the Produce Exchange of New York. The price of seats on the produce exchange was at a very great discount last summer, but if the Canadians built the Georgian Bay Canal and we did not get this shortened waterway from Chicago to New York, they would be worth nothing; that they might, at least for seven months of the year, abandon the produce exchange entirely."

The New York Journal of Commerce, in a two-column editorial, in discussing the grain situation of New York, said:

There is no way of maintaining the importance of New York as the greatest ocean port on the continent except by deepening the Erie Canal to 24 feet and by connecting the headwaters of Lake Erie with the headwaters of Lake Michigan by a canal equally big.

An Ottawa (Canada) paper recently said, in discussing the deepening of the Erie Canal and the making of the Michigan and Erie Canal:

The United States is contemplating these great improvements in their waterways. The only way to keep this from being done is for the Canadian government to get busy and build the Georgian Bay Canal. If she does this, the United States may abandon her contemplated improvements. If the United States does go ahead with her contemplated improvements, they will very greatly impair the value of our canal.

The only way to keep the United States from making her improvements is to get busy and do ours first.

If the Georgian Bay Canal should be completed, Chicago will be 800 miles nearer to Liverpool by the way of Montreal than by the way of New York. With such a shortening of the distance, it is easy to see that the shipments to foreign ports for a long portion of the year from the Far West will be through Canadian waters. There will be none of the products of the western prairies passing through Lakes Huron and Erie, and they will be barren of foreign shipments and any considerable water transportation. The English and Canadian newspapers are highly pleased over the aggressions of the Canadian government in improving her waterways, and predict that Montreal and Port Arthur will be the busiest ports on the North American Continent. Patriotism ought to stir us to some action to see how we can best meet this threat of Canada to take away from us what is really our own.

We should not permit for an instant our neighbor on the north to do more in the construction of waterways than we are doing. We should not hesitate in making a careful examination at the earliest possible moment of such feasible routes as may present themselves to the country. The very knowledge of the feasibility of a waterway is that much added wealth to our Nation. The transportation of our country has been, and will be for many years to come, from east to west and from the west to the east. It should be the imperative duty of our legislative bodies to seek every feasible route for water transportation in accordance with this law of transportation, and not promiscuously place a little canal here and another there, until these great transportation lines have been developed and perfected.

Railroads are already feeling their inability to devise means for the transportation of our enormously increasing domestic and foreign trade. Terminals can be secured for railroad purposes at the large centers of commercial industry only at such prices that make railroad construction almost prohibitive. James J. Hill is calling the attention of the country to the fact that it is absolutely necessary that waterways should come to the relief of the railroads in order to extend the terminals farther from the congested cities. It has been estimated that it would cost fifteen billions of dollars to duplicate the railway terminals in six of the largest cities of the United States. Think of this—to duplicate the terminals of these six large cities means to nearly double the cost of all the railroad property to-day.

That would mean added cost for better terminal facilities without materially increasing the lines of transportation. And

so we see to-day evidences upon every hand, among the foremost railroad men of our country, an earnest appeal for the early development and completion of water transportation over such lines as will materially assist in carrying the bulky commodities and leaving for them the lighter and more profitable transportation commodities, and at the same time enhancing their profits. These waterways, while relieving the congestion in railway transportation, by the carrying of the bulky and unwieldy products, will be profitable to transport companies because of the ease and cheapness of water transportation.

I desire now to call your attention to the lines proposed for this survey of waterways between Lake Erie and Lake Michigan. The line pointed out in the bill introduced by Mr. ANSBERRY, of Ohio, after coming up the Maumee River to Defiance, Ohio, thence westward toward Fort Wayne, or to Fort Wayne, thence northwest at or near Churubusco, Ind., entering into a chain of lakes, thence to Elkhart and South Bend, and into the St. Joseph River, and thence into Lake Michigan is a line somewhat shorter than the one proposed in House concurrent resolution No. 18, introduced by myself, but proposing to follow a line, if found feasible, coming up the Maumee River from Toledo to Fort Wayne, thence in a southwestern direction to Huntington and Wabash, thence to Lake Michigan, following a course mapped out and carefully analyzed in a pamphlet prepared by Mr. Frank B. Taylor for the Toledo, Fort Wayne and Chicago Deep Waterway Association, of Fort Wayne, Ind., which I desire to submit and make a part of the record in the cause for a deep waterway from Lake Michigan to Lake Erie, in accordance with the above-named resolution.

THE MICHIGAN AND ERIE CANAL, OR TOLEDO, FORT WAYNE AND CHICAGO DEEP WATERWAY—THE NEED OF INLAND WATERWAYS.

A few years ago it required the vision of a prophet to see that railroad transportation in the United States was nearing the time when it would become inadequate for the needs of commerce and that a great system of inland waterways must soon be built. Now, every intelligent man who will take the trouble to inform himself by a study of the statistics of commerce and of railroad and waterway transportation must see not merely the possible benefits of inland waterways, but that they are greatly needed at the present time and will become absolutely indispensable in the near future. It is this conviction in the minds of many wise and farseeing men which has at last taken hold of the people and which is now moving the entire country to the advocacy of inland waterways.

It is not the object in this article to dwell at length upon the conditions of trade and transportation which show the need of inland waterways; that has been done by others. The great deep waterways conventions and congresses of recent years in the Mississippi Valley and the recent National Rivers and Harbors Congress in Washington are unmistakable expressions of the people's convictions and desires on this subject. The earnestness and enthusiasm of the people who attend these great conventions is beyond belief to anyone who has not attended one of them. President Roosevelt's recent speeches at Memphis and Vicksburg and his recent messages to the National Congress show the highest official appreciation of the country's needs along this line and give assurance of his earnest support for wisely planned measures of relief. But lest some who read this may not realize the weighty reasons which are moving the people to demand inland waterways, a brief summary of general reasons is here given. If anyone doubts the wisdom of the present agitation, if he doubts the beneficial results which a general system of waterways will bring to all the people, let him consider the following facts:

1. That water transportation, even in relatively small craft, is much cheaper than transportation by rail, and that the cost grows less with increase in the size of the vessel—the larger the barge or ship the lower the cost. Transportation by water can be done with a profit at a cost only one-fifteenth to one-fourth, averaging about one-eighth, as much as by rail, the rate depending chiefly on the size of the boat. This applies especially to all bulky, low-value commodities, such as grain, coal, iron and steel, ice, ore, stone, brick, slate, sand, gravel, earth, cement, lime, lumber—in fact, to nearly all raw materials.

Col. John L. Vance, president of the Ohio River Improvement Association, has said: "The heavier freight—coal, iron, steel, locomotives—are to-day carried on the Ohio and lower Mississippi for one-third of a mill per ton per mile—a less figure than on any other waterway in the world. This figure includes the return of empties, and leaves a handsome profit to the transportation lines." At this rate a ton is carried 30 miles for 1 cent or 3,000 miles for \$1. "As an example of cheap transportation on the Ohio and Mississippi, the steamer *Sprague* may be cited. She has handled safely in one tow 70,000 tons of freight in barges. With the most approved railway appliances in use at the present time this would require 2,333 cars, making a train 15 miles long, not including the locomotives required to move these cars." These river rates are probably somewhat lower than can be expected generally on canals.

But even if they were several times more than here stated they would still be much lower than rates by rail. "A bale of cotton weighing 500 pounds goes by rail from Dallas, Tex., to Galveston, 300 miles, for \$3, and from Lake Providence, La., to New Orleans by boat, the same distance, for 50 cents." "Coal from a certain mine is shipped to Pittsburgh by boat on the Monongahela from 31 to 4 cents per ton; by rail, when navigation fails, for 44 cents per ton. It is estimated that on the new Erie Canal a dollar will carry a ton 1,900 miles." "In the carriage of freight between Chicago and New York—by water to Buffalo and thence by rail to New York—the boats receive one-third and the cars two-thirds of the through rate, the boat mileage being double that of the car. In round numbers, the railroad ton-mileage is about one-fourth that of the entire lake system, while the freight charge is more than double, showing a ratio of over eight to one for general traffic in favor of water transportation."

"The average rate on all the railroads of the United States is 7.5 mills per ton mile, while on the Lakes the latest estimates put it as low as 0.85 mills per ton per mile. On the Ohio and lower Mississippi the rate is as low as 0.3, or sometimes 0.1, of a mill per ton per mile."

For several years coal has been carried from Buffalo to Duluth, nearly 1,000 miles, for 30 cents per ton, or at the rate of about 0.3 of a mill per ton per mile. Facts of this kind could be multiplied indefinitely.

2. That the countries of Europe—especially Holland, Belgium, France, and Germany—have splendid inland waterways affording water transportation for every city and to every seaport. The prices of their raw material to themselves and of their manufactured products to the rest of the world are cheapened by low cost of transportation, and this is a factor of prime importance in the difficulties we encounter when we meet them in the world's markets.

Nearly all of the prosperous cities of our own country have more or less water transportation, and all of those which have not would be greatly benefited if they had. But in general our water transportation is poorly developed. The remedy is inland waterways, with one or two deep channels to the sea, the system which the people are now demanding.

3. That the building of waterways, if properly carried out, will afford opportunities for great development of water power. Canals will generally be constructed with reference to this factor as a secondary, but sometimes as a primary consideration. The running expenses and repairs of free canals can thus be paid and additional income secured from the water power.

4. That the canals and waterways being built and controlled either by the State or by the National Government, or by these jointly, are made free to all and are not reserved for or controlled or managed by or in the interest of any trust or corporation or individual, and that they will therefore tend to furnish a natural remedy for the regulation of railroad rates.

5. That the waterways will not work an injury to the railroads, but will, in fact, aid them and greatly increase their earnings by operating to relieve them of the heavier, bulkier freights, leaving for the railroads chiefly the high-class, faster freights and the express, mail, and passenger business, all of which are willing to pay a higher rate for quicker transportation. Waterways stimulate manufactures by supplying cheaper fuel and raw materials, and this brings increase of population and increase in manufactured products which go by rail, and in express, mail, and passenger business. Transportation facilities create traffic.

6. And finally, just as the true character of the individual man may be measured by his unselfish acts rather than by his acts of self-interest, so the state of civilization to which our country has attained may be measured by its acts of altruism, whether with reference to our near neighbors or to more distant peoples, or to our own unborn generations, rather than by our conquest of other peoples or a part or class of our own people for our immediate personal profit and advantage—in short, by our acts of foresight in providing for the welfare of all of our future citizens rather than by the present mad and reckless scramble for millions for ourselves. We ought to begin now to conserve our natural resources. We have had solemn warnings of their failure if the present wasteful methods of use continue. It is certain that within a century or two our natural fuel supplies will be nearing exhaustion. The locomotive engine is the largest and most wasteful of all consumers of coal. Waterways for carrying heavy and bulky freights would work an immense saving of fuel and postpone the evil day.

For these reasons and for many others that might be mentioned it is evident that the time has come to begin the building of inland waterways. But the building of them is at best a slow task, and even if begun to-day, by the time they are ready for use the need of them will be much greater than it is now.

THE LONG HAUL AND THE TWO MAIN WATER ROUTES.

The compelling fact underlying the whole of the present agitation for deep waterways to the sea and for systems of tributary inland waterways is the inevitable "long haul." The long haul is a necessity growing out of geographical position, and can not be evaded. But it is now performed mainly in railroad cars, and costs on the average about eight times as much as it would in boats on deep waterways.

The North Central division of the United States, or, in popular phrase, the Central or Middle West, comprises the 12 States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri. Their combined area is 753,550 square miles, and they had in 1900 a population of over 26,000,000. They make one-fourth of the area of the United States and contain one-third of its population. Although endowed by nature with a soil of great fertility and with a moist, temperate climate highly favorable to agriculture, having been peopled by a mixture of the best nationalities of the earth, and having built up States and cities and a wonderful prosperity in agriculture, mining, and manufactures, yet these States now find themselves fettered and enslaved in commerce, chiefly in consequence of their geographic position.

They are practically debarred from foreign trade because of the great cost and inadequacy of the only available means of transportation to and from the seaboard, and they are hampered almost as much and for the same reasons in their trade with our own seaboard population. For both of these markets they must pay the tax of the long haul mainly by rail. The commerce of the Middle West has grown by leaps and bounds and has far outstripped the coincident growth of railroad capacity. But even if the railroads had kept pace with commerce, they could not have relieved the present situation, to say nothing of the future, for the imperative need is for cheaper transportation than the railroads can possibly give. From the different parts of the Middle West it is 500 to 2,000 miles to the seaboard, and the railroads, even at their best, can not make this long haul at rates which can compete with water rates and enable this region to be an effective competitor in foreign and seaboard markets. The only remedy is water transportation in large bulk, which is the cheapest transportation in the world. But to realize the advantages of this requires deep waterways, at least for the main trunk lines, to the seaboard. There are only two possible trunk-line routes to the sea within the boundaries of the United States—one south down the Mississippi River, and the other east through the Great Lakes, the Erie Canal, and the Hudson River. The only salvation of the Middle West industrially and commercially is in making both of these into deep waterways, or, if possible, into ship canals.

These two trunk lines are of the first importance—should be considered first and built first. They are both used to-day for commerce, but in only a very limited and ineffective way, and are wholly inadequate to the needs of the country. In their present condition neither of them is capable of carrying barges or ships of such size as are indispensable for the long haul at the cheapest possible rates.

It is true that we have already that most magnificent of waterways, the Great Lakes system, with its tonnage greater than that of any other waterway in the world, the broad ocean alone excepted. But the lakes are not now adequately connected with the seaboard—not by a ship canal or really deep waterway; nor are they connected with

the Mississippi River, and the Mississippi itself, although capable of a great commerce as it is, is nevertheless not now fitted to carry the commerce that it ought and can surely be made to carry.

The State of New York is now at work enlarging the Erie Canal between the Hudson River near Troy and the Great Lakes at Buffalo, but when completed this canal will be only a moderately deep waterway. According to the design the new canal is intended to be a barge canal rather than a ship canal, its depth being only 12 feet. This limitation of depth for the new canal seems very unfortunate, for there ought to be at the earliest possible day at least one real ship canal within the boundaries of the United States connecting the Great Lakes eastward with the ocean. The Canadians are giving their new St. Lawrence-to-Ontario ship canals a depth of 21 feet and purpose 24 feet for their Ottawa Canal. It seems certain that the Erie Canal will have to be again deepened in the near future. Indeed, a strong movement has lately been set on foot in New York to have it made 21 feet deep now.

The prospects for the early completion of the Lakes-to-the-Gulf great waterway seems particularly bright at the present time. Indeed, if Congress recognizes the needs of commerce and the earnest desire of the people this work will be in progress within a year. The whole route has already been surveyed, and even now, as a result of experimental dredging by the Mississippi River Commission during the low water of the fall of 1907, it is practically certain that a 14-foot channel can be maintained at all times of the year from Cairo to the Gulf. This depth was maintained experimentally during the recent low water on three bars without serious difficulty. The route of the connecting canal up the Illinois and Des Plaines rivers to join the Chicago drainage canal and Lake Michigan has already been surveyed and ought soon to be under construction.

THE PROPOSED MICHIGAN AND ERIE CANAL AN INDISPENSABLE PART OF THE GREAT EAST AND WEST MAIN WATER ROUTE.

The great east and west trunk line or long-haul waterway from Chicago to the sea may be said to be composed of four divisions: (1) The Hudson River, (2) the Erie or Erie and Hudson Canal, (3) Lake Erie, and (4) either the lake route through Mackinac Straits now in use or else the proposed Michigan and Erie Canal, which would cut off the long northward detour and would run from Lake Erie to Chicago by a nearly direct route. This canal would shorten the distance about 400 miles and would make the long haul, all-water route from Chicago to the seaboard of substantially the same length as the present all-rail route. To have a deep waterway or ship canal from Chicago to New York as short as the direct all-rail route is the best result that can be reached. No better solution of the Middle East to seaboard transportation problem is attainable. It represents the maximum possible efficiency of water transportation—the cheapest possible water rates for the unavoidable long haul. Water and rail transportation would then be set up against each other in flat competition, with no advantage of distance to either one. The only advantages either would have over the other would be such as are inherent in the instrument. Cars would be better for some things, boats for others; and equality of distances would tend to make the adaptation of trade to them more perfect and thus give the best possible service to the public.

When the Erie Canal in New York has been completed as a ship canal the great east-and-west deep-water route, as it has been thought of up to the present time, will be finished and ready for use. But it will be far from perfect even then, for it will still be about 400 miles longer than the all-rail route, and water rates for transportation will therefore fall to touch the bottom values which ought to be reached.

This extra 400 miles is 43 miles farther than from Chicago to Cleveland by rail, nearly as far as from Baltimore to Boston, and lacks only 42 miles of being as far as from New York to Buffalo by the New York Central Railroad. This much distance would be saved every trip. Not until a shorter route is made available will east-and-west long-haul rates come down to bed-rock value, which they ought to reach, and which the people are entitled to have. Too much stress can not be laid upon the fact that even after the Erie Canal is completed every ship and barge that sails from Chicago to New York by way of the Straits of Mackinac will have to travel about 400 miles farther than it would if a deep waterway were built from Chicago to Toledo across northern Indiana and Ohio. And, further, in going back to Chicago every returning ship will have to repeat the same 400 miles' detour through the northern straits.

In short, every boat plying between Chicago or any point west of Chicago and Toledo or any point east of Toledo will have to travel 800 miles farther than necessary in every round trip until the proposed Michigan and Erie canal is built. This is 37 miles farther than from Fort Wayne to New York by the Pennsylvania Railroad, or exactly as far as from Chicago to Baltimore. This distance of 800 miles would be saved on every round trip. Indeed, every ship that travels the northern route to-day has to make this long detour, and every ship in the past has had to do it. The value of the coal alone that has been consumed in traveling this extra 400 miles is probably more than enough to build the canal, to say nothing of the insurance premiums and losses paid and the value of the lives and property lost in wrecks that would have been avoided.

Between Chicago and New York the saving of distance by the proposed canal amounts to two-sevenths, or a little more than one-quarter of the whole distance; between Chicago and Buffalo it is nearly one-half; between Chicago and Cleveland or Detroit more than one-half; and between Chicago and Toledo nearly two-thirds. Can there be any doubt of the value of this canal, if its construction is feasible and within bearable limits of expense?

The accompanying sketch map, figure 1, shows the place of the proposed canal as a link in the great east-and-west water route. Its advantages as a cut-off or short route from Chicago to Lake Erie will be easily noted, and also the fact that it makes a nearly straight line from Chicago to Troy, N. Y., and thus gives an all-water route to New York City which is practically of the same length as the all-rail route—roughly, 1,000 miles—instead of 1,400 miles, as the all-water route is now.

This canal is really an indispensable part of the east-and-west main water route to the sea, and will surely be built sooner or later. Indeed, after the Erie Canal has been made into a ship canal it can not be long deferred. Its service to commerce will be like that of the Baltic Canal in Germany; like that of the proposed Sandwich Canal, which will cut off Cape Cod; and like the proposed Florida Canal. It will cut off the southern peninsula of Michigan, save the long northward detour, and give a route which will be closed by ice only half as long.

THE PHYSICAL FEATURES OF THE COUNTRY TRAVERSED BY THE PROPOSED CANAL.

In northern Indiana, northwestern Ohio, and southern Michigan the whole country is covered with a heavy deposit of glacial drift. Solid rock lies beneath, but is nearly everywhere buried to a depth of from

100 to 300 feet. The bed rock is exposed to view in only a few places and in very small areas. A glacial moraine, or broad ridge of clay, sand, and stones known as the "Erie-Saginaw moraine" runs from a point about 10 miles northwest of Logansport, Ind., toward the northeast, passing out at the northeast corner of the State, and thence in the same direction to Lapeer County, in Michigan, 50 miles north of Detroit. Its top is 10 to 20 miles wide and its surface is hilly and uneven. Its hollows hold hundreds of small lakes and ponds which vary in extent from 7 to 8 square miles, with occasional depths of 80 to 100 feet, down to little ponds a few square rods in area and dry in times of drought.

Besides the lakes, there are many stream valleys, marshes, and prairies, which are extremely favorable for the formation of reservoirs. The great ridge has an altitude of 1,000 to 1,200 feet above sea level in southern Michigan and 900 to more than 1,000 feet in northeastern Indiana. It forms the watershed between Lake Erie on the east and Lake Michigan and drainage to the Mississippi on the west. During the ice age the basin of Lake Erie, including the Maumee Valley, was occupied by a great lake which had its outlet in Fort Wayne, Ind., through a river a mile or more wide, which flowed southwest to the Wabash at Huntington and thence to the Mississippi. The divide on which the waters now part, going east to Lake Erie and west to the Mississippi, is in the channel of this old outlet just west of the city of Fort Wayne and has an altitude of 760 feet above the sea.

At Fort Wayne another moraine or ridge of glacial clay runs southeast along the north side of the St. Marys River, curving gradually to the east after entering Ohio. From about 800 feet altitude in the south part of the city of Fort Wayne, it rises gradually to over 900 feet in western Ohio, and to still greater altitudes farther east. Thus the lowest gap in the rim of the basin of Lake Erie on its west and south sides is at Fort Wayne. The lowest one in Ohio is about 910 feet, and in Indiana, northwest of Fort Wayne, there is one at about 860 feet, but none lower. Northeastward into Michigan there are none below about 950 feet. West of the great moraine in Indiana there is a gently sloping, sandy plain descending northwesterly to the broad, swampy Kankakee Valley. Then another moraine or belt of clay 7 or 8 miles wide separates the Kankakee Valley from Lake Michigan. This is called the "Valparaiso moraine." Its crest is rather narrow in the northwestern counties of Indiana, and it has an altitude of less than 800 feet in the part west of Valparaiso.

REASONS FOR SELECTING THE FORT WAYNE AND ROCHESTER ROUTE BETWEEN TOLEDO AND CHICAGO.

Lake Erie is 573 feet and Lake Michigan 581 feet above sea level. The lowest passage over the drift ridge between them is through the old outlet channel at Fort Wayne at 760 feet. Indians used this route before the coming of the white man, and the engineers of 1826 used it for the old Wabash and Erie Canal. But that canal was designed to connect Lake Erie with the Ohio and Mississippi rivers. It was never built to Lake Michigan or to Chicago, although a line going northward from Delphi was surveyed in 1831. Many years ago a canal was talked of to connect Toledo and Michigan City by a nearly direct route. This was in 1880 or 1881—about the same time the Wabash and Erie Canal was resurveyed by the late William S. Goshorn from Toledo to Lafayette for a projected enlargement which was never carried out.

About 1895 Dr. William T. Harris, then of Defiance, Ohio, now of Chicago, began promoting the Toledo-Michigan City project. The route suggested by him was up the Maumee to the state line east of Fort Wayne, and thence west to Cherubusco through the valley of Cedar Creek, or else up to Fort Wayne and northwest from Fort Wayne to the same point, and thence past Goshen, Elkhart, and South Bend to Michigan City. As an alternative to this, and affording a shorter route, a line was suggested leaving the Maumee at Defiance and going northwest over the high moraine to Pigeon Creek and down this to Elkhart, South Bend, and Michigan City. The summit level on the Cherubusco route could hardly be less than 850 feet above sea level, or 100 feet higher than the summit level available at Fort Wayne. On the Pigeon Creek route it would have to be 50 to 100 feet higher than on the Cherubusco line. Either of these routes is feasible for a small canal of the old type, but, as will be pointed out below, they are both impossible for a deep waterway or a ship canal.

At a meeting of citizens in the city of Fort Wayne November 16, 1907, called to start a movement for a canal from Toledo to Fort Wayne, a plan was suggested for a deep waterway or ship canal from Toledo to Chicago, passing through Fort Wayne and Rochester, Ind. The route proposed is as follows: From Toledo up the Maumee River to Fort Wayne; thence through the old outlet channel to Huntington, and along the higher ground on the north side of the Wabash River to the city of Wabash; thence northward in a nearly direct line, crossing Eel River a little below Roanoke, and continuing in the same line past Rochester and down the Tippecanoe River to a point south of Lake Maxinkuckee; thence on the same line across the Kankakee River at the lower end of English Lake, passing north of Kouts Station; thence from a point about 6 miles northwest of Kouts northward to a point 2 miles east of Sedley; and thence, as may seem best, either directly north to Lake Michigan at a point 8 miles northeast of Hobart, or continuing northwest from Sedley to Wolf Lake and South Chicago. On this route it is designed that the summit level shall run from Fort Wayne, or some point a few miles east of Fort Wayne, to a point on the Tippecanoe River south of Lake Maxinkuckee and that the canal in this interval shall be level and without locks. This would give a summit level about 100 miles long at an altitude somewhere near 750 feet above the sea, or 177 feet above Lake Erie. With locks of 20 feet lift, 16 or 18 locks would serve the whole canal.

The selection of this route is based on the following principles, which seem to be essential elements in the building of a deep waterway or ship canal under the conditions which exist in the region between Lake Erie and Lake Michigan.

1. The canal must have the largest possible supply of water at its summit level—at least enough to operate one of its locks 100 times a day, and as much more as is possible. This is the first and indispensable requisite.

2. The canal should have the lowest possible summit level in order (a) that the building of locks, which is very expensive, shall be reduced to a minimum in the original cost of construction, and (b) that the number of locks shall be the fewest possible, because boats lose time in passing through them and because locks add materially to the cost of both operation and maintenance.

3. The canal should follow the shortest line on which its construction is feasible and on which it can have at the same time the fewest locks and obtain the greatest possible water supply for its summit level.

A comparison of the Fort Wayne-Rochester route with any other that has been suggested, or that can be suggested, shows that this

route would have a lower, longer summit level and hence fewer locks, and would secure a very much larger water supply for its summit than can be obtained on any other route. All the routes suggested appear to be feasible from the point of view of engineering. But in the matter of water supply at summit level, which, after feasibility of construction, is the all-important thing for a deep waterway or ship canal, the several routes are widely different. The Pigeon Creek and Cherubusco routes would have their summits on the top of the high drift ridge, where the possible water supply is necessarily limited. The summit level would have to be short—certainly not more than 15 or 20 miles long—on both of these lines, and the area of country which could by the utmost effort be made tributary to the summit level would be relatively small. On either of these routes the area could hardly exceed 700 or 800 square miles. There would be no rivers to draw upon and only a few very small creeks. Almost the entire reliance would have to be upon the existing lakes, of which there are a considerable number, and upon reservoirs artificially constructed. But these lakes and reservoirs would be not merely a supplementary supply to use in the dry months to augment temporarily a regular supply from other sources, as would be their use on the Fort Wayne-Rochester route; they would be the sole reliance and would have to be drawn upon throughout the whole season of canal navigation.

The drainage areas available for the different summit levels are shown in the second map, figure 2. These routes are both excellent lines for canals of small size, say, of 6 or 7 feet depth, and one or both of them will no doubt be utilized some time in this way. But they are manifestly not available for a great deep waterway or ship canal.

If a deep waterway between Lake Erie and Lake Michigan is to serve the purpose for which it is intended, it must have water enough to operate its locks a great many times each day, for if it were in any sense a success, it would be a very busy canal. When this canal is planned officially, it ought to be with a distinct view to future possible needs; that is, it ought to be laid out on that route which will command or make available the maximum possible water supply for its summit level. It seems improbable that a 14-foot canal could have water enough at its summit level on either the Cherubusco or Pigeon Creek routes; but granting for the moment that it would, the developments of the near future will surely show the folly of such a choice.

When the Erie Canal in New York is made into a ship canal, 21 or perhaps 24 feet deep, as it surely will be in the near future (the Chicago Drainage Canal is now a splendid ship canal, 24 feet deep and 162 feet wide in its rock sections), it will at once become desirable, if not imperative, not merely to have the proposed canal, but to have it of the same capacity as those east and west of it. In that event it would simply be impossible to get water enough for a 21 or 24 foot canal on the Cherubusco or the Pigeon Creek routes.

Finally, when a canal has been brought from Toledo up to the summit at Fort Wayne, what is the use of running it up over a hill 100 feet higher than Fort Wayne, building ten or twelve more locks than necessary, and causing every boat to lose the time required to operate them forever after? Why go over a hill, when a way is open to go around it on a level line and with immense advantages for the summit-level water supply?

Two other routes have been suggested in times past. One is over the hill in southern Michigan, going up either the Raisin or the Huron River to Jackson and then down either the Kalamazoo or Grand rivers to Lake Michigan. These are feasible for small canals, but are open to the same objections as the Pigeon Creek and Cherubusco routes—too high and not enough water supply. The Huron River is larger than the rivers on the other high-level routes, and the accessible lakes are larger and more numerous, but the summit level would have to be up to nearly 1,000 feet above the sea.

The other way is along the line of the old Wabash and Erie Canal from Fort Wayne down the Wabash River to Delphi and thence north to Lake Michigan. But on this route the canal would descend to the Wabash River at Huntington, and the summit level at Fort Wayne would be short and would be fed only by the St. Joseph and St. Marys rivers at Fort Wayne, with possibly the Wabash and Salamonie rivers added at some point above Huntington. Of these streams the St. Joseph is the best, but is not large. The others are not so good as the St. Joseph. It is doubtful whether a 14-foot canal could be operated successfully from these streams in a dry autumn. But, again, having brought the canal up to the Fort Wayne divide, what is the use of dropping it down into the Wabash Valley and losing the advantage of the large summit level water supply, if it is possible to run the canal along on a level and secure this supply? These different routes are shown on the second map, figure 2.

FEASIBILITY OF CONSTRUCTION ON THE PROPOSED ROUTE.

This is not the place to describe at length the details of the topography and geology of the country along the proposed route, but it may be said briefly that the features are known in considerable detail and that the construction of a deep waterway or ship canal on this route is entirely feasible. Indeed, the whole route, with the exception of two or three comparatively short intervals, is very favorable, and the difficulties encountered in these intervals can be avoided, if necessary, without sacrificing the special advantages which this route offers. For the very valuable detailed information available along this route the writer is indebted to Mr. Frank Leverett, of Ann Arbor, Mich., before whom the project was laid soon after the meeting in Fort Wayne, and who, as a geologist of the United States Geological Survey, has studied the topography and drift of northern Indiana and Ohio in detail, having examined every township of the region on foot and collected records of all the deeper wells, showing the depth and character of the drift. Mr. Leverett expressed himself as confident not only of the feasibility of the route for the construction of the proposed canal, but expressed equal confidence in the availability of a sufficient water supply for the summit level to make it entirely adequate to meet the needs of commerce.

Mr. Leverett recently laid the project of this canal before Mr. Lyman E. Cooley, the well-known engineer of the Chicago Drainage and Ship Canal and member of the United States Deep Waterways Commission. Mr. Cooley expressed himself as much pleased with the project. In his letter to Mr. Leverett, he says:

"I think your solution of the route from Toledo to Lake Michigan by Fort Wayne is the most important yet presented. The water supply is the important consideration, and your proposition gives better command of this than any heretofore suggested."

The writer afterwards had an interview with Mr. Cooley in his office in Chicago and is indebted to him for a number of valuable suggestions.

Mr. Cooley strongly advises canalizing the Maumee River up to Fort Wayne rather than the construction of an independent canal. He says it will be cheaper and better in every way. Fifteen or 20 miles of the Tippecanoe River can also be canalized below Rochester. Mr.

Cooley said he was particularly impressed by the lowness of the proposed summit level, by its great length, and by the great water supply which it makes available.

The physical features of the route may be briefly summarized as follows: Rock cutting would be necessary in slight measure in two and possibly three stretches of the canal, but there would be no deep cutting. For about 15 miles above Maumee, Ohio, the river has rapids over limestone ledges. Rock cutting here would be confined almost wholly to shallow-cutting in the bed of the canal, an ascent of about 63 feet being made in this interval. Rock would be encountered again at Huntington, Ind., and more or less of it from there to Wabash. But here again little, if any, of the cutting would be deeper than the bed of the canal. There is also a possibility of encountering a little rock cutting near Kouts, in the northwestern part of the State, but this would be short and shallow and might possibly be avoided altogether. None of these rock cuts are formidable from the point of view of canal construction, and it is doubtful whether all of them together will supply as much stone as will be needed for bank protection.

The only sections of the canal that present anything difficult in construction are two localities in which the most desirable route for the canal would require rather deep cutting. Both of these, however, would be entirely in clay drift, with no rock cutting whatever, and the work is simply a straightaway problem for steam shovels. The most formidable cut would be through the big drift ridge between Roann and Rochester. Here, for a distance of 5 or 6 miles, the ridge has an altitude of about 850 feet, requiring a cut of about 100 feet deep through this part. For 6 or 8 miles more the cutting would be 50 feet or less in depth, about two-thirds of it less than 25 feet.

This is what would be required if the canal is built on the shortest possible route from Fort Wayne to Chicago. But it can be conducted around this hill, if desired, by a longer route so as to reduce the depth and length of the deep cut, or even to avoid deep cutting entirely. This could be accomplished by turning west on the north side of Eel River. Near Denver, 6 miles west, the canal could be turned north so as to pass down the valley of Mud Creek to the Tippecanoe River. On this line the 100-foot cut would be reduced to a mile or two, and most of the remainder would be under 50 feet. Or, going a little farther west, the canal could be turned northwest at Hoover to a point about 3 miles east of Lucerne and thence north. By this route there would be very little cutting more than 50 feet, and most of it 25 feet or less. If this route proved too formidable, the canal could be carried still farther west, to a point about 8 miles northwest of Logansport, where it could turn northward to the Tippecanoe without any deep cut whatever, the level of the land being nearly the same as that of the canal. As is often done in great works of this kind, the making of the direct-line deep cut might be deferred in the first construction, to be completed at a later time. These alternative routes makes the summit level somewhat longer, but do not sacrifice the large water supply.

Next to this the most important cutting would be through the clay hill between Kouts and Sedley. This would be 7 or 8 miles long, but would be more than 50 feet deep only for a mile or two with a maximum of about 80 feet. Here again, however, if deemed necessary, the cutting can be entirely avoided by turning the canal west just north of Kouts to Hebron and thence north past Leroy and down Deep River. (Shown by broken line d on map, fig. 2.) The divide in the valley which cuts the ridge at Leroy has an altitude of 686 feet and the projected level of the canal through this section is 680 feet.

There would also be cutting in the drift 30 or 40 feet deep for perhaps 5 or 6 miles between Wabash and Roann and occasional short cuttings between Huntington and Wabash, but not of formidable depth.

The deep cuts required if the canal were built as projected on the shortest possible line would not be justified in the construction of a small canal, but they are entirely within the measure of surmountable difficulties and bearable and justifiable expense for a deep waterway or ship canal constructed by the National Government, or by the National Government and the local States combined—a canal serviceable chiefly as a highway of national commerce rather than for local purposes, and presenting possibilities of incalculable advantage for military purposes in times of war.

It seems certain that the difficulties of construction along the projected line, including the deep cuts, are not such as would lead the National Government to deviate from the direct course laid out. Even if, as might seem best, the canal be given a depth of only 14 feet at first, its course ought to be laid out with a view to possible future enlargement to a ship canal 21 or 24 feet deep, or equal to the deepest canal elsewhere connected with the Great Lakes. Its permanent works, its locks and terminal facilities in particular, ought to be built in the first place for a ship canal, and should therefore be of large size and so arranged as to be easily made double in the future at each locality. The prism of the canal (its depth and width) between the locks could readily be enlarged at a later time, if found necessary. But the rebuilding and enlargement of locks would be troublesome and very expensive.

THE LONG SUMMIT LEVEL AND THE LARGE WATER SUPPLY MADE AVAILABLE BY IT.

There are many advantages in the very long summit level proposed for this canal. Its length of 100 miles or more makes it possible to bring in more streams and a greater quantity of water at the summit than could possibly be obtained on any other summit level in the region traversed. The long summit level would touch or cross the St. Marys and St. Joseph rivers at Fort Wayne, the Eel River below Roann, and the Tippecanoe River below Rochester. It would also pass within comparatively easy reach of the Yellow River near Lake Maxinkuckee and the Wabash and Salamonie rivers near Huntington. At Mr. Leverett's request of Mr. M. O. Leighton, Chief of the Hydrographic Division of the United States Geological Survey, furnished the following official data on the quantity of water available for the summit level of the proposed canal from the first five rivers named.

MICHIGAN AND ERIE CANAL (VIA FORT WAYNE AND ROCHESTER).

Water supply required for 50 complete lockages (100 single lockages) per day for summit level, elevation 750 feet above sea level, length about 100 miles. (Depth of canal supposed to be 14 feet, or deeper.)

Locks 348 by 69 by 16 feet, water contents, 384,192 cubic feet; 100 lockages per day, in round numbers, 38,400,000 cubic feet; add 10 per cent for leakage, in round numbers, 3,800,000 cubic feet; total, 42,200,000 cubic feet; equivalent to 490 second-feet (cubic feet per second).

Drainage areas tributary to summit level: Upper Eel River, above Laketon, 480 square miles; Tippecanoe River, above Fulton-Pulaski county line, 760 square miles; Yellow River, above Marshall-Stark county line, 260 square miles; total, 1,500 square miles.

These are the figures furnished by Mr. Leighton. But by placing the dam on Eel River at Roann a further area of about 100 square miles may be added to this figure for Eel River. This would make the total 1,600 square miles. Mr. Leighton states further that the mean flow for the lowest months in each year for four years at Delphi, Knox, and Logansport is 0.29 second-foot per square mile. This multiplied by 1,600 gives 464 second-feet. The mean flow for the lowest month of the St. Marys River at Fort Wayne is 40 second-feet. The mean flow for the lowest month of St. Joseph River at Fort Wayne is 150 second-feet. This gives a total available low-water flow of 654 second-feet. Subtracting 490 second-feet, which is needed for 50 complete lockages per day, plus 10 per cent for leakage, there remains an excess of 164 second-feet without resorting to storage.

Such a showing as this from only the convenient streams and without any resort to storage or the bringing in of water from more distant rivers gives sure ground for faith in the future of this canal as a deep waterway, especially when it is realized how much and how easily this can be increased. Later Mr. Leighton furnished additional data on the amount of water that could be obtained through a feeder from the St. Joseph and Elkhart rivers at Elkhart by the way of South Bend to the summit level near Lake Maxinkuckee.

The drainage area of Elkhart River above Elkhart is 700 square miles; that of the St. Joseph River above Elkhart is 2,160 square miles, making a total of 2,860 square miles. The lowest month at Elkhart between 1901 and 1906 was September, 1906, at which time the flow was 1,565 second-feet. This is 2½ times as much as the amount obtained from the combined five streams mentioned above. Adding this to the 654 second-feet from the other streams, the total is 2,219 second-feet. This is enough for 50 complete lockages per day with locks twice as long, twice as wide, and twice as deep as those given by Mr. Leighton, and still leave 259 second-feet in excess. Such a lock would be 696 feet long, 138 feet wide, and 32 feet deep. It would use 4 times as much water at each operation as the one described by Mr. Leighton, or 247,400 cubic feet more water than the Poe lock at Sault Ste. Marie.

But this is both wider and deeper than would be needed for a ship canal of the most liberal capacity, according to present ideas. The locks of the Panama Canal are designed to be only 110 feet wide. By cutting off some of the width and depth of the enlarged lock described above and adding an equivalent volume to its length, the lock could be made equal to the largest locks now in use, or considerably larger if need be. It could easily be made of the same dimensions as the Poe lock, the largest of the locks at Sault Ste. Marie, which is 800 feet long, 100 feet wide, and 21 feet deep on the miter sill. The large, new Canadian lock is 900 feet long, 60 feet wide, and 21 feet deep. The United States engineers are said to be now planning to build a new lock at Sault Ste. Marie 1,300 feet long, 80 feet wide, and 24 feet deep.

There are a few other streams that can be brought into the summit level without much difficulty. The Wabash River could be received at a point above Huntington, and the Salamonie could be conducted over to the Wabash quite easily and brought in with the latter stream. The Mississinewa could also be made to contribute, but not so easily. At the time of this writing no official figures are at hand to show the amount of water which these streams would yield. But on a conservative estimate by comparison of the drainage areas with that of the St. Marys River it seems safe to say that the Wabash River near Marquette would yield about 40 second-feet; the Salamonie near Warren, 30 second-feet; and the Mississinewa, below Marion, 45 second-feet, making a total for the three streams of 115 second-feet. This, added to the previous amount, would make 2,334 second-feet.

Something more could also be added to the water supply from rivers by diverting the headwaters of certain streams in southern Michigan into one or the other of the two St. Joseph rivers. At a point about 15 miles southeast of Hillsdale, Mich., where the eastern St. Joseph turns from southeast to southwest, there is an old abandoned river bed coming from the Tiffin River, about 3 miles northeast. It would be a very easy thing to divert the upper part of the Tiffin to the St. Joseph through this old channel, and by carrying a feeder canal northeast along the side of the eastern slope for 20 to 25 miles farther, several of the upper branches of the Raisin River could also be captured. The drainage area thus divertible to Fort Wayne would be about 300 square miles. In the same way some of the upper branches of the Kalamazoo River could be diverted to the western St. Joseph, so as to enter the feeder at South Bend. This would amount to about 200 square miles. The 500 square miles of these two areas would yield about 145 second-feet, making the total from rivers 2,479 second-feet. Besides these it is possible that one or two of the head branches of Grand River, near Jackson, could be brought in. Something would also be received from several smaller streams, like the tributaries of Little River, east of Huntington, and others to the west. If a summit-level feeder were built to South Bend, it would capture a number of small streams. These put together would certainly bring the possible grand total from streams up to 2,500 second-feet. All this is from streams alone and represents approximately the amount possible to derive from the available rivers at low stage.

WATER RESOURCES AVAILABLE BY STORAGE.

The possible resources for water supply from storage in lakes and reservoirs are not included in the above estimates. Ordinary maps on a large scale show 50 to 100 lakes in northeastern Indiana. Prof. Charles R. Dyer, who surveyed six counties in the northeastern corner of the State for the state geologist in 1886, says that, counting large and small, there are probably a thousand lakes, and there are probably half or two-thirds as many more in southern Michigan which could be drawn upon through the rivers mentioned above. The water that might be stored in these lakes if developed to a maximum can not be stated, but would certainly be very large—surely enough to double or more than double the supply available from the streams alone. When to this is added the further possibility of making almost as many artificial reservoirs in this area as there are existing lakes, there can be no longer any doubt whatever that there is available, if fully called into use, water enough for any magnitude of ship canal that can now be foreseen as a possibility and for any degree of activity which seems likely. The region of the small lakes is a hilly, moraine country with many valleys and ravines, and is very favorable to the making of artificial lakes. For storage purposes the existing lakes would probably not be drained off below their present levels, but would be raised a few feet by dams and then drained down only to their present levels. According to Mr. Cooley, 3 to 4 per cent of a given area made into lakes or reservoirs will equalize the flow of the streams from that area.

The foregoing is simply a picture of what is possible in the way of a maximum water supply for the long summit level of the proposed canal. The facts stated ought to dispel forever all doubts as to the

sufficiency of the available supply. Of course, in practice nothing like all this possible supply is likely to be drawn upon at once. Much of it may be better employed for other purposes, at least for the present. The amount diverted to the canal at any given time would probably not be very greatly in excess of that which would be needed to operate the canal, though some considerable excess is highly desirable for the sale of the water power that can be developed from it. If the canal is built at first with a depth of 14 feet, the water for it would probably be drawn from the first five rivers named, with the Wabash and Salamonie added, and these would probably be supplemented by a moderate development of storage as a reserve resource against any possible shortage from the rivers. The long summit level would itself have an enormous reservoir effect. It would be like a large lake. If feeders from South Bend and Elkhart and from the Wabash and Salamonie rivers were run at summit level, the total length of the whole level would be close to 200 miles, with corresponding extension of reservoir capacity. This is one of the most desirable of all things for any great canal.

WATER POWER.

One of the most important benefits to be derived from a canal like that proposed is the development of water power. In Illinois, where the supply of water is practically unlimited and the canal of large capacity, it is designed to develop a great amount of water power under the control of the State and to devote the proceeds to the cost of running and repairs and also to contribute much toward paying the original cost of construction. It is estimated that the water power there will be worth about \$3,000,000 per year. The proposed Michigan and Erie Canal would afford splendid facilities for developing water power at many places—particularly at Huntington, Wabash, South Bend, Elkhart, near Lake Michigan, and at Maumee—and the revenues thus derived should be applied to the expense of running and repairing the canal. The water powers already developed on the St. Joseph River, near South Bend, are not nearly so advantageously located as they would be if the water were drawn from this canal at South Bend at an altitude of 750 feet (30 feet above the city). But while water power is a very important consideration in connection with canal building, it is not the most important. Measured by the rule of the greatest good to the greatest number, it is certainly true that the water of the rivers and lakes confers a much greater benefit upon the people as a whole when used in aid of commerce in canals and canalized rivers than when used for the development of power by cities, corporations, or individuals.

A great saving in the amount of water required to operate locks can be made by any one of several methods: by hydraulic elevator or lift locks, like those on the Trent Canal at Kirkfield and Peterborough, Ontario; by pneumatic-lift locks, or by side-chamber locks. Where the water supply is small, such locks make operation possible with only a small fraction of the water needed for the old method. When the water supply is adequate or large, the use of such locks would enable a much larger portion of the water to be used for the development of power.

CONNECTING CANALS.

When the Michigan and Erie Canal is built it will be joined by several important connecting lines. Chief among these is the Miami and Erie Canal, which connects Cincinnati with Lake Erie at Toledo by way of Defiance. This canal is still in use and needs only moderate enlargement to do excellent service as a barge route to and from the middle section of the Ohio River. It would be particularly serviceable for bringing coal from West Virginia and Kentucky and southern Ohio to the North and Northwest, especially if the proposed ship canal gave it direct connection from Defiance to Chicago.

Another important connection would be the Wabash and Michigan Canal connecting with the Wabash Valley. It seems certain that the Wabash River will be canalized up to Lafayette or Wabash, and then it would be an easy matter to carry a connecting line up the lower Tippecanoe and the Monon to join the Michigan and Erie Canal. At Wabash the ship canal could easily be joined again from the Wabash River, so as to bring about in effect a restoration of the old Wabash and Erie Canal, but with much greater capacity and utility. By canalizing White River and the Mississinawa, Indianapolis and other cities of central and southern Indiana can be brought into connection with the ship canal and receive the benefits of connection with lake navigation. These smaller branch canals, chiefly for local commerce, are proper objects for construction by the State rather than by the National Government.

Another important branch line would be one extending north from near Lake Maxinkuckee to South Bend and Elkhart. This could be made at summit level throughout and without locks, thus adding largely to the reservoir capacity of the summit level. This branch, even if built primarily as a feeder, might as well be made navigable to serve the commerce of the cities mentioned, and also to give them the most effective development of water power.

The Wabash and Michigan Canal is certain to be built in the near future, even if the main ship canal is not. When it is completed, the advantages of having a connecting line between it and the Miami and Erie Canal at Defiance, substantially on the line here projected, will become so great that the people will soon regard it as a positive necessity. But instead of allowing construction to take this course and building the middle link afterwards, making the canal one of relatively small capacity, as would certainly be the case if constructed in this way, it would seem the part of wisdom and economy to build the main ship canal as here projected first. After that is finished, or decided upon, a system of inland waterways for Indiana can be planned to better advantage in relation to the ship canal.

FOR MILITARY STRATEGY.

The dominant thought in the minds of the people in urging the construction of this canal is to serve the purposes of trade. But there is another reason for building this canal, which is of the highest importance from a national point of view. A glance at figure 1 will show that when the Canadians have made their St. Lawrence-Ontario canals 21 feet deep and perhaps, also, their Trent Valley Canal, and still more when they have made their Ottawa Ship Canal 24 feet deep, which they can easily do, and ought to do, and for which there is an abundant water supply at summit level, then Canada or any other power controlling her territory would have a tremendous advantage in naval operations on the Great Lakes. Even when the Erie Canal in New York is made into a ship canal, the problem of defense in the Great Lakes will only be partially solved, for it will be still necessary for war ships wishing to go from Lake Erie to Lake Huron or from Lake Huron to Lake Superior to pass through the connecting rivers which form the international boundary. An alert enemy could easily make such movements impossible.

If the Michigan and Erie Canal here proposed were made into a ship canal, war vessels could easily pass from Lake Erie to Lake Michi-

gan and from this into Lake Huron in our own territory, and without coming in contact with the foreign border. There is also an easy route for a canal from the north end of Green Bay to Lake Superior at Au Train. This canal would need to be only 38 miles long, and would be of great service to commerce as well as for military purposes. It would save 250 miles or more on every trip between Duluth or the iron or copper country and Chicago. If it were made into a ship canal it would give safe access for war ships to Lake Superior also, and the Canadians could not match it by an independent canal on their side. While there is no present reason to build canals for military purposes, yet the Canadians are building canals which will give them or anyone controlling their territory naval access to the Great Lakes and leave us absolutely helpless, unless we build ship canals on our side. This canal ought ultimately to be made into a ship canal for this reason, if for no other, and having been so made it would be much more efficient for canal barges, especially for large ones, as well as providing a channel for lake and ocean going steamers.

THE VALUE OF THIS CANAL IN "THE GRAND STRATEGY OF TRADE."

The full value of this canal to commerce is not easy to realize at the present time, because we are not familiar with the type of carrier which will almost certainly be used when our great canals are built. It is impossible to believe that when the canals are ready American inventive genius will long delay the evolution of a carrier which will give the utmost efficiency and cheapness of transportation and be perfectly adapted to the waterways. It seems certain that the cheapest possible transportation, where waterways are suited to their use, is the large canal barge without motive power—a barge carrying 3,000 to 5,000 tons or possibly even more, to be used in small fleets and towed either by a small tug or by another barge with power, or else propelled by electric power drawn from a wire on the canal bank. It is not economical to carry the bulky freights in single steamships that make fast time. Speed is costly, and the more of it used the greater the cost. Such freights are now carried to some extent in this way on the Great Lakes, because under present conditions there is no cheaper way available; there are no great canals with barge fleets specially adapted to them. If canal barges are to be made fit for towing across the open lakes, where they would be exposed to storms, they must be made a little heavier and stronger than for canal traffic alone. This would have to be done for barges that must be towed the length of Lake Erie, and would, of course, add a little to the cost and weight of the barge. But the effect of this on rates of transportation would be so small that it would not detract seriously from the advantages of the canal barge traffic.

Nevertheless the need of a continuous large-barge route without open-lake travel between the East and West may ultimately lead to the building of a barge canal along the south side of Lake Erie. From Toledo to Lorain such a canal would be easy to make at lake level near the shore. From Lorain to Buffalo it would be more difficult, but will no doubt be undertaken at some time in the future.

While barges for routes without open water would not need such strengthening, there is one important circumstance of our future commerce which will require many barges to have this strength. The coastwise coal trade is now carried on largely in motorless barges towed by tugs, and much other trade might be done in the same way. If the Erie Canal and the canal here proposed were now in use as deep waterways a large traffic in barges without transfer or breaking bulk would surely be carried on between the lake region of the interior and the cities of the Atlantic coast.

Such barges would need sufficient strength for marine towing, and those fitted for this trade would likewise be fit for open lake traffic. When the Atlantic and Gulf coast canals are built this traffic will become a great thing, and the barges in this trade will need the same strength for towing on Chesapeake Bay, Long Island Sound, etc., as on Lake Erie. When the main deep waterways now planned are completed, it seems certain that the great bulk of our domestic trade in fuel and raw materials will be carried on in this way, for it would make available the cheapest possible water rates. The building of the Michigan and Erie Canal, especially as a deep waterway or ship canal, will hasten that time, and when that time comes this canal will be indispensable. Single lake or ocean steamers could not compete with this traffic, unless they were going abroad or on some course where the towed barges would not be safe or satisfactory.

Single steamers with speed of 12 to 15 miles per hour would hardly find any advantage in using the canal so long as the Straits of Mackinac were open. But on the average the canal would be closed by ice only fifty to fifty-five days, or about half as long as the northern straits. Unless steamers could go about 7 miles per hour in the canal, they would gain no time in the canal as compared with the northern route. Such speed would require the canal to be a real ship canal with revetted banks. Seven miles an hour is the speed now used in the Suez Canal. At 5 or 6 miles per hour, which ought to be possible in the proposed canal, a steamer would lose but little time and would save considerable fuel and all risk of storms on the Lakes. With the canal open and the northern straits closed, the canal would be of the greatest service to single steamers, but at other times the advantage for them would be slight either way.

But it must not be forgotten that the lowest possible water rates for the east-and-west long haul can not be attained until the Toledo, Fort Wayne and Chicago canal is built and given the depth and capacity of a ship canal. Rates on the east-and-west route can not equal or even approach those on the Mississippi until this is done. And further, the lowest rates can not be attained in single steamers, but only in canal-barge fleets. The savings which this canal will bring by the use of barge fleets and steamers with consorts will be so great that the canal will become indispensable.

According to the latest estimates, the average cost of carrying freight on the Great Lakes is 0.85 of a mill per ton per mile. At this rate it would cost 34 cents to carry 1 ton 400 miles. That is to say, this represents the possible average saving on every ton of freight between Chicago and Lake Erie ports if the proposed canal were available. For a ship carrying 2,000 tons this means a saving of \$680; for one carrying 5,000 tons, \$1,700; for one carrying 10,000 tons, \$3,400; for one carrying 12,000 tons, \$4,080. There are now about twenty-five 10,000-ton ships on the Lakes and 8 or more of 12,000 tons, employed chiefly in carrying iron ore, coal, and grain. The ships now being built are chiefly 6,000 tons or over.

These are the savings that would be accomplished in single steamers if they could go through the proposed canal at full speed. But the speed of barge fleets and of steamers towing consorts in the open lake is about the same as that of a barge or a barge fleet in a large, deep canal. Hence, with these means of traffic the saving of time by going through the canal instead of the northern straits would be equal to the

difference of distance on the two routes. In barges and consorts, therefore, the above figures represent the saving which would actually take place by the canal route. But the real saving would be still greater, because the rate would surely be less than 0.85 of a mill per ton-mile, for there would be smaller crews, less supplies, less fuel, and less risk from storms. The rate might be expected to fall at least 0.5 of a mill per ton-mile.

Coal is hauled from Cleveland to Chicago in the summer in boats of all sizes for from 40 to 50 cents a ton—sometimes for less. The distance by the present water route is a little more than 750 miles. The proposed canal would save 400 miles of this distance, or slightly more than half, and coal would then be hauled for half or somewhat less than half what it is now, if carried in large canal barges. In the fall, when the grain trade is on and boats are scarce, it sometimes costs from \$1 to \$1.10 a ton to carry coal to Chicago.

Some idea of the value of this canal to Chicago trade may be gathered from the following figures. In 1905 the total lake tonnage entering and leaving Chicago amounted to nearly 15,000,000 tons. It is probable that three-fourths of this was bound to or from Lake Erie ports. But to avoid any overestimate we may assume that only two-thirds of it was so bound. At the average rate per ton quoted above and with open lake transportation it would cost \$3,400,000 to carry 10,000,000 tons 400 miles. Of course the saving in the case of lake and of ocean steamers would be slight, if anything, because of the reduced speed which such vessels would have to take in going through the canal. But more than this will be saved when the traffic is done in barges.

When the Lakes-to-the-Gulf deep waterway is built and a network of inland waterways is constructed in the West, when the Atlantic Coast Canal is ready, and the Erie Canal is made a deep waterway to the sea, the traffic at Chicago will be many times the figures here given. And it would certainly not be long before the saving accomplished by the Michigan and Erie Canal would amount to ten or twenty millions of dollars a year, and this will much more than reimburse the people for building the proposed canal and making it large and deep.

It would be a grave mistake, however, to look upon the saving in freight charges made possible by this canal as being the sole or principal benefit which it would bring and to regard this benefit as measured by so many dollars in the pocket of each particular shipper. The benefits of the canal reach far beyond this. It would benefit all of the people. The savings arising from its use would be distributed through all the trade and business of the Middle West. It would affect directly the prosperity and welfare of all the agriculture, mining, and manufactures throughout the whole region. Raw material could be brought in more cheaply and manufactures carried out more cheaply, both processes enabling the Middle West to enter seaboard and foreign markets which are now inaccessible. It is simply impossible to calculate the effects which such a stimulus would have upon life and business in the Middle West. It is not so much in the dollars and cents which can be definitely measured that the great benefit of this canal will come as in the general and widely distributed stimulus of trade and industry that will affect all prices and give everybody a better chance at the world's markets, and therefore a better hold upon prosperity.

The States comprising the Middle West are no doubt capable of sustaining 100,000,000 people, or, say four times their present population. They can not attain to their normal growth and prosperity under present conditions of transportation, and the completion of the Lakes-to-the-Gulf deep waterway, while doing much to open the gates of foreign trade to the Middle West, will not afford the relief which an effective eastward outlet will furnish. But to be effective, this outlet must be deep and as short as the best all-rail route. The normal route of transportation for European trade and for eastern seaboard trade with the Middle West is on east-and-west lines.

A CANAL FOR NATIONAL RATHER THAN LOCAL COMMERCE.

While this canal would be of incalculable benefit to Chicago, Toledo, Fort Wayne, and other cities along the line, and to Cincinnati, South Bend, Terre Haute, and other cities on connecting lines, it would be a profound mistake to urge its construction on the ground of benefits to any particular place. By far the greatest value the canal could ever have would be its service to national commerce, and especially in affording the cheapest possible transportation between the Middle West and the eastern seaboard.

When they have examined this project carefully and weighed all its benefits and advantages against the cost of its construction, all the cities along the line and its branches and, in fact, all the people of the Middle West will unite in demanding its construction. But because this canal will perform so great a service to national commerce does not by any means prevent it from being of the greatest service locally. And while these local benefits are not the first thing to consider, they are nevertheless of great importance. No doubt there are special interests that will fancy themselves injured by such a canal, but such injuries are mainly fanciful, will be only temporary, and the very same interests will in the end be greatly benefited. It has been said that certain interests in Chicago are opposed to such a canal having its terminus at South Chicago, and there are some that strongly oppose the construction of a canal westward from South Chicago to the Drainage Canal at the Sag, on the ground that it would divert business from Chicago. It is a pity that such narrow ideas should have any lodgment in the minds of a people so justly renowned for broad, liberal, and progressive views as the business men of Chicago. For no matter where the terminus of the canal is located in the Chicago district, that city will control as much of the trade as she desires, and will get far greater local advantages from the canal than will any other one place.

Even with Chicago's lake commerce as it is to-day the people are grumbling continually in the press about the "bridge nuisance." What will they do about that when the river traffic becomes several times what it is now? It is absolutely certain that Chicago will be as glad then to have a canal from the Sag to South Chicago that will relieve the congestion of boats in the Chicago River as they are to-day to have the Belt Line Railroad around the outside of the city to relieve the city railroad yards of the great traffic that is passing through without stopping. But whatever Chicago wishes in this regard can be done when the canal is first built, leaving the ultimate connections and adaptations to be developed later.

The idea of this canal was in the minds of some of the business men of Chicago two or three years ago, as is shown by the following quotations from the report of the deep waterway committee of the Chicago Commercial Association, 1906:

"Should a ship canal be constructed from Lake Michigan to Lake Erie, as your committee believes it will be in the near future, it would give an all-water route between the West and the seaboard practically the same in length as that by rail. The cost of this work would not exceed \$200,000,000, but it would enhance by billions of dollars the

actual value of the real estate, commercial and manufacturing interests of the great Middle West.

"There does not seem to be any valid reason why a government as rich and resourceful as our own should not expend the required amount for the benefit of the people and the internal commerce of this section of the country. It would give the Middle West an eastern waterway open for two months longer each year and remove a restriction upon it for that period during which the Straits of Mackinaw are icebound and be of advantage to both East and West."

It seems certain that a canal 14 feet deep on the proposed route would cost little more than half of this; but of course cost increases rapidly with depth.

The most important carrier of the future between the West and the seaboard will not be lake or ocean ships, but canal barges of large tonnage; for they are much cheaper to build, require smaller crews, and consume much less coal per unit of tonnage than ships. This has been proven in Germany. The cheapest carriers are barges without motive power, to be towed by tugs or other power barges. The true solution of the transportation problem is in making the main waterways suited to large barges. But waterways large enough for barges of 5,000 tons or more would accommodate ships also if they chose to enter. As has been the case with both railroads and ships, the improvements of the last thirty or forty years have reduced freight rates to one-third and one-fifth of what they were, respectively, so great canal barges, like those named, have not yet been used anywhere, and we may expect cheapening improvements in them as well as in railroads and ships. Improved facilities for loading and unloading will also go far to reduce and minimize the cost and delay of transfer.

NEW YORK AND THE CANADIAN CANALS.

The benefits of this canal, however, are not confined to the Middle West. New York and other seaboard cities would also be greatly benefited. If the people of New York City have any doubt of the value of this canal to them, let them study figure 1 of this pamphlet and consider the following facts: The Canadians possess the natural, the best, and by far the easiest and shortest lines of connection between the Great Lakes and the sea—the St. Lawrence canals from Montreal up to Lake Ontario and the Welland Canal from the latter to Lake Erie; the Trent Valley Canal, affording a remarkably short route from Chicago and Duluth through Georgian Bay and the Trent Valley to the east end of Lake Ontario and the head of the St. Lawrence canals.

And last and best, the Ottawa River route from Georgian Bay through French River, Lake Nipissing and the Ottawa River to Montreal. This last is in truth the best of all ship-canal routes from the upper lakes to the sea. This route has been surveyed and will require only about 29 miles of actual canal construction to be ready for use—so large a part of it is now in its natural state ready for navigation without improvement. Its summit level can be made at least 75 miles long, including Lake Nipissing, and there is an abundance of water supply for any capacity of ship canal that may be desired—even of 30 or 40 feet depth, if need be. Of these two northern Canadian routes the writer is speaking partly from personal observation, having been over a large part of both, including their summit-level reaches. The distance is 300 miles shorter from Mackinac Straits to Troy, N. Y., through the Trent Canal than through Lake Erie. While this canal, with its present depth of only 7 feet, is not an important factor, it might be if it were deepened. But a ship that is bound from Chicago to Europe, having reached Mackinac, would hardly come down to Lake Erie and New York City; it would take the much shorter Ottawa route directly to Montreal and the Gulf of St. Lawrence.

By this route it is only 20 miles farther from Chicago to Montreal than from Chicago to Buffalo. Does New York wish western trade to take this route? Does Chicago wish it? The plain truth is that even if the Erie Canal be enlarged to a ship canal, it will still be only partially potent to pull western traffic to New York. It can not do this until the Michigan and Erie Canal is built and made of equal capacity to the Erie Canal in New York State, so as to dispense with the long detour through the northern straits. Thus the proposed canal is in effect a westward extension of the Erie Canal itself, and is indispensable to its complete utility. If New York City has any earnest desire to have western commerce pass through its gates rather than through the gates of Montreal, it must have the Michigan and Erie Canal with capacity equal to that of the Erie Canal, and there is an ample water supply available to make it so.

The Erie Canal ought to be made a ship canal, not for ships and military purposes alone, but for the much more efficient service it would then give to traffic in canal barges and barge fleets.

Some have said that New York does not want the Erie Canal made into a ship canal, because trade would go directly to Chicago without stopping in New York. But this is a narrow, unworthy view of the matter. The prosperity of New York, so far as it is dependent on the Middle West, does not rest on New York's ability and opportunity to stop and levy tribute upon all the commerce to and from that section. New York will derive far greater benefits from the general growth and prosperity of the Middle West and the resulting increase in its wealth and activity in trade than it will from any system of tribute.

The following facts should also be of some interest to New York people: From Chicago to New Orleans by the route of the proposed deep waterway (canal from Chicago to St. Louis, and also from St. Louis to Cairo; Mississippi River, by its winding course to New Orleans) is a distance of a little more than 1,500 miles. It is 96 miles farther to the Gulf at the jetties, but New Orleans is the port. By the present water route from Chicago to New York City it is a little more than 1,400 miles. The proposed canal will cut 400 miles off the last figure and make the distance from New York to Chicago about 1,000 miles. Will New York throw away this advantage? Does not the Middle West need this canal for that part of its great east-and-west trade which can not be profitably diverted to the Mississippi and the Gulf? In truth New York ought to be as enthusiastic for the construction of the Michigan and Erie Canal as the Middle West is for the enlargement of the Erie Canal in New York State. Any device that will bring the Middle West 400 miles nearer to New York City and Europe is surely a thing worthy of consideration.

The people of Fort Wayne who originated and are strongly pushing the project for this canal are not basing all of their enthusiasm on the benefits that would accrue to Fort Wayne. They believe the canal to be a necessity for national commerce, and after the Mississippi River and the Erie Canal in New York State, they believe it to be the most important canal yet suggested for national trade. As to choice of the route they believe that the best and only feasible route for a great, deep waterway or ship canal passes through their city, but they will not insist upon that. They are willing to abide by the decision of competent engineers after a careful survey. If it is found that a better

route for the canal would pass over the hill 10 or 20 or 40 miles north of Fort Wayne, they are willing to abide by the decision. In that event Fort Wayne can easily establish connection with the canal by a branch line. What the people along the proposed canal route are asking for now is a careful survey of the line by the National Government.

This pamphlet is published by the Toledo, Fort Wayne and Chicago Deep Waterway Association, of Fort Wayne, Ind. Its officers are Hon. Perry A. Randall, president; Hon. T. J. Logan, secretary; with a committee of 500 and an active membership of more than a thousand. This organization is not for a day, but is permanent, and intends to use every honorable available resource to promote the interests of the proposed canal. The general subject of inland waterways and deep channels to the seaboard is one of incalculable importance to the American people, but could not be given space for adequate treatment here. It is admirably discussed in addresses by Mr. S. A. Thompson, field secretary of the National Rivers and Harbors Congress, to whom the writer is indebted for much valuable information.

Anyone wishing a copy of this pamphlet can obtain the same by applying to T. J. Logan, secretary of the Toledo, Fort Wayne and Chicago Deep Waterway Association, Fort Wayne, Ind.

I further desire to call your attention to some of the causes or reasons why this route has been selected in preference to other lines that have been suggested or proposed in bills presented to the Sixtieth Congress. The first essential thing in the construction of a canal is plenty of water, and in order to have plenty of water to permit of large lockage of vessels, it will be necessary to secure the longest possible summit level, which gives the largest area by which to secure the water supply. The route proposed by the Fort Wayne Deep Waterway Association, above mentioned, will permit of a summit level of about 110 miles in length without a lock, making an unusually large area by which water can be furnished for lockage purposes.

This summit level is nearly a hundred feet lower than the summit level on the line proposed in the bill drawn by Mr. ANSBERRY, of Ohio, and nearly three times as long, the summit level in the Ansberry bill being about 38 miles in length and nearly a hundred feet, as above said, higher, which shortens the length by which water can get into the canal and materially lessens (because of its altitude) the area of square miles over which the water can be drawn. The route selected in the bill by Mr. ANSBERRY would be able to obtain water from about 700 to 800 square miles in area, and at the same time require nearly twice as many locks in construction, which would necessarily mean a great delay and loss of time through lockages and wonderfully enhance the cost of construction. On the other hand, the route proposed by the Fort Wayne Deep Waterway Association under the above-named resolution, because of its being nearly a hundred feet lower in summit level, would very materially increase the area for securing water supply.

This summit level would secure water from an area, without any particular outlay and by natural drainage, of over 3,000 square miles, and if needed could be greatly enhanced as the usage of the canal would increase the demand for water for lockage purposes; and the fact that it is a lower level makes it much cheaper to build and maintain. This is the line that we believe is the feasible one and will prove adequate for the needs of future development in transportation. There is no doubt that a small barge canal could be built over the line proposed in the Ansberry bill, but we should construct the line not only for to-day, but that it shall be adequate also for the necessities of the future.

For this reason the Fort Wayne Deep Waterways Association have selected the plans and the line for the waterway that will prove the most feasible and adequate for the needs of the present and the necessities of the future.

There are other reasons that might be brought forward and presented to the attention of this body to prove the logic of the economical construction over this line, but I feel it is not necessary, as the presentation of the facts already mentioned concerning the altitude, the length of the summit level, the large increased area of water supply, the ability to secure it at the summit level, and the economy of construction and of maintenance are so fundamental and primarily essential and so economically attained, that they appeal so conclusively to the engineer, that it needs no further argument.

In conclusion, I wish to reiterate the fact that the great railway men of our country see the need of early construction of essential waterways, and are raising their voices in strong appeals to the men of our Nation to take up and press forward this much-needed auxiliary for transportation. This means economy and the saving of wealth to both the producer and the consumer. We all know, if we pause to think, that the producer and the consumer pay the bills, for, in the last analysis, they pay all.

They pay the iron bill, the real-estate bill, the coal bill, and as long as we will permit it we will pay the water in the stock. Is it business economy to continue to pay much more for transportation privileges than proper business care can prevent? Is

it wise to continue an enormous building of railways for transportation purposes when they can only last for a comparatively few years, until they must be renewed at enormously increased expense and vast waste or cost of natural resources, or to pay much less for a more effective and permanent method which is open for general competition? The construction of this canal will greatly increase our wealth by economy in outlay and the natural conservation of the nation's unmined wealth. May this body be able to see with a clear vision the immediate need and the early necessity for the construction of this canal, which will prove of everlasting benefit and strength to this great Nation.

[Mr. DRISCOLL addressed the House. See Appendix.]

Mr. SCOTT. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I have always heretofore been in favor of what is known as the "Southern Appalachian Mountain Reserve," but I am opposed to this bill because it carries a fraud on its face. It says it is a bill for acquiring forests in Southern Appalachian and White Mountains, and, as a matter of fact, it creates a roving commission known as a "forest reserve commission" and gives them an unchecked authority to expend \$19,000,000 anywhere they want in the United States, without restraint of Congress or anybody else. For that reason I am opposed to this bill. The whole sum and substance of it is this: Congress attempted to establish two national forest reserves, one in the Southern Appalachian chain and the other in the White Mountains. We have attempted it for years. There is a sentiment in the country behind it, but instead of that they come here and propose to create another roving commission—

The SPEAKER. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I propose to vote against this bill, not because I do not favor the conservation of our natural resources, which I do, but because I am not sure that the Federal Government should relieve the several States of their responsibility of protecting their own forests. The wanton destruction of trees in many of the States has been a state as well as a national disgrace. Such destruction has been notorious and lamentable. The States that have permitted it to be done are reprehensible; but many of the States have not permitted it to be done, and these should not be held chargeable for the negligence or prodigality of the others. I gravely question whether the relationship between forestry and inland waterways is sufficient to induce us at this time to enter upon the scheme of state paternalism, an oversight which this bill proposes.

The development of inland waterways is a direct aid to commerce and in the nature of an investment as between the States in which the benefits are mutual and equally proportioned. Waterways are avenues of commerce, freed to the people of all the States. The purchase and control of forests erects an establishment of an entirely different character.

We should also remember that government-owned forests in small European countries mean government-controlled sawmills and government-controlled stores and warehouses. I doubt the propriety of our going into the lumber business as a national proposition. The United States is too large a country for that.

Mr. WEEKS. Mr. Speaker, I yield five minutes and forty-five seconds to the gentleman from New Hampshire [Mr. CURRIER].

Mr. CURRIER. Mr. Speaker, the gentleman from New York [Mr. PAYNE] asks why we do not do this and why we do not do that. I would like to ask him why he does not discuss the bill before the House instead of some creature of his imagination. The gentleman must know that the utmost that can be appropriated under this bill is \$19,000,000, and that distributed over a period of ten years. Yet the gentleman talks about it costing hundreds of millions of dollars.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. CURRIER. "The gentleman" will not yield. The House has heard that talk before from the gentleman from New York when he stated that the Reclamation Service would cost this Government more than \$700,000,000. The gentleman from California [Mr. SMITH] is appalled at the amount carried in this bill. Nineteen million dollars distributed over ten years for reserves in all of the great country east of the Mississippi River; and in the country west of the Mississippi River there are to-day federal forest reserves worth fifteen hundred millions of dollars. [Applause.]

Every federal forest reserve in this country, except the one at the headwaters of the Mississippi, is located west of that river. Every argument in favor of reserves in the West applies with at least equal force—I think with greater force—to the reserves in

the East. Whatever criticisms, caused by the peculiar conditions, there may be in the West of the policy of creating forest reserves, conditions in the East, where we desire such reserves, are such that none of those criticisms will apply. Nothing but good as the result of such a policy will come to any single person in the East. In the East their establishment will meet with universal approval.

If we are to have forest reserves anywhere in this country, I submit that one including the White Mountains is as pressing, is as important, and will be as beneficial in its results as any that have or can be established. Of course, it is true that the existing forest reserves were not purchased by a direct appropriation from the Treasury. What difference does it make, however, to the taxpayers of this country whether money is taken from the Treasury or government property, easily convertible into money, and which, if sold, would inure to the benefit of all the people of the country, is taken? In many cases it would have been better economy for the Government to have purchased such lands by direct appropriation from the Treasury than to have obtained them of private owners for forest reserves by allowing such owners to exchange their lands for other lands of like character owned by the Government. I doubt if there were ever many trades of this kind in which the Government was not cheated.

The country, I take it, is definitely committed to the policy of establishing forest reserves. It can not be that this policy is to be a sectional one; that only in the West is this wise policy to be carried out, and that the South and East are to have no share in its manifold blessings. The people of the East and South, in a spirit truly national, are glad to aid the movement for the reclamation of arid lands in the far West at the direct or indirect expense of the General Government, and for the establishment of forest reserves, but we believe that the forest-reserve policy should be national in its scope. Nowhere in this broad land of ours is there more pressing need of forest reserves than in the Southern Appalachian Mountains and the White Mountains of New Hampshire.

You in the far West have a reclamation fund of many millions, which would have all been in the Federal Treasury for the benefit of all the States but for the policy which turns over all this for the direct and peculiar benefit of the people of a few Western States. It is a good policy; we all approve it. When you aid one section of the country, you, to some extent, aid all sections; but it is not gracious, to say the least, for Members from such States to oppose every proposition looking to the conservation of the national resources of the East.

In the United States it is estimated that there are 700,000,000 acres of wooded area. Of this amount, 170,000,000, or more than one-fifth, are in national forest reserves. These reserves, as I have said, are worth at least \$1,500,000,000, and, with the single exception of a small reserve in Minnesota, are west of the Mississippi River. We are asking for an appropriation which, during the ten years to which it is limited, calls in all for a little more than 1 per cent of this amount for reserves east of the Mississippi River, where we feel the imperative need of forest reserves far more than you in the West. Nearly or quite one-half of all the standing timber of this country is on the Pacific slope. It was stated in an editorial in the New York Evening Post about three years ago that the rivers flowing into the Pacific have their headwaters protected by vast tracts of forests preserved from indiscriminate lumbering, but those flowing into the Atlantic, though their present commercial use is tenfold greater, rise in regions where the commercial lumberman generally has full sway.

It is very likely true that Congress has no constitutional power to appropriate money from the Treasury to acquire lands for forest reserves except as such lands aid in maintaining the navigability of streams, and no lands will be acquired which do not serve such purpose; but if, as a necessary incident of such constitutional expenditure, great advantage accrues to the people of many States on account of the preservation of water power upon which millions of our citizens depend for their livelihood, and the forests are conserved, saved from speedy destruction, and so managed that the supply of timber may be made permanent and adequate for the wants of the people of the whole eastern part of the country for all time to come, surely no one would suggest that these enormous incidental advantages constituted an argument against the proposition.

Millions of dollars could be dispensed with in every river and harbor bill but for the fact that rivers and harbors, year by year, are filled up with silt brought down by freshets from the deforested slopes of mountain ranges. The most economical way in the world to preserve the navigability of your rivers is to preserve your mountain forests. How can any reasonable man insist that it is a constitutional, proper, and wise expendi-

ture of money from the Federal Treasury to continually dredge the rivers and harbors located in the various States to remove the silt carried down by the floods caused largely by the destruction of the forests, and unconstitutional, improper, and unwise to appropriate money from the Federal Treasury to keep the silt from going into the rivers by establishing forest reserves which will, to a great extent, prevent these floods? Proper to dredge out a channel, but improper to prevent its filling up again! The mere statement of such a proposition refutes it.

Will the eastern forest reserves pay? Will it be a wise investment, regarded purely as a business proposition? Unquestionably. The German state forests return a net revenue of \$2.40 per acre a year and the Swiss forests \$8 per acre. No expenditure from the Federal Treasury at the present time will produce so certain and ample a revenue in the end as investments for the establishment of forest reserves.

The time is not far distant when the forest reserves should be in condition to return a very large net income. A royal commission in Great Britain has recently made a report on the question of creating national forest reserves. It is proposed to create by complete reforestation reserves embracing 15,000,000 acres. The work is to go on at the rate of 150,000 acres each year for sixty years, and it is estimated that at the end of eighty years the forests would return a net annual revenue of \$9.73 per acre—somewhat, but not much, more than the actual return to-day of the forests of Saxony. Great Britain must create these forest reserves from seedlings, and hence the time is long before there will be much revenue. In this country we have our forests, and good management of them and a comparatively small amount of tree planting will give us a large net revenue in a comparatively short time.

Why does New Hampshire ask for federal aid? Why does not she establish the White Mountain Forest Reserve and pay the bills? New Hampshire is a small and comparatively poor State, and the undertaking is too large. Do you ask other States where rivers are being improved or forest reserves are being created or arid lands are being reclaimed to pay the bills? There is no earthly reason why New Hampshire should undertake a work at her own expense which will benefit the people of other States far more than it will benefit her own people. This is an interstate, a national, proposition if ever there was one.

Practically all the principal rivers of New England have their source, or the source of their important tributaries, in the White Mountain region, and their value for all purposes depends to a great extent upon the preservation of the forests in which they rise. This is so strictly an interstate, a national, matter that the Federal Government alone has the right and the power to take action. The interests and the welfare of Maine, Massachusetts, Connecticut, and Vermont are being most injuriously affected by the diminution of the water in their great rivers caused by the cutting of timber in the White Mountain region.

The gentleman from Washington [Mr. HUMPHREY] and the gentleman from Tennessee [Mr. GARRETT] indulged in theorizing and speculation regarding the effect of forests upon stream flow. So far as the White Mountain section is concerned, this is no longer a matter of theory or speculation. For more than twenty years the Geological Survey have been carrying on the work of stream measurement at Plymouth, on the Pemigewasset River, the main branch of the Merrimac. This river rises on the southern slopes of the White Mountains, and Plymouth is located 30 or 40 miles below the sources of the river. These measurements demonstrate that in the twenty-year period from 1886 to 1906 the low-water period increased forty days in a year.

The cuttings on the southern slopes began about the time the stream measurements commenced and have been steadily continued since. The Geological Survey have also taken the rainfall, and their report shows that that, during all the twenty years, varied very little from year to year. Nothing but the destruction of the forests can account for this marked increase in the low-water period, for above Plymouth are no swamps which have been drained and there is less land under cultivation to-day than when the stream measurements were begun. A witness before the Committee on Agriculture also testified that during this period, at Haverhill, Mass., on the lower Merrimac, the most destructive floods that the city had ever known occurred.

The Connecticut River rises in northern New Hampshire and the removal of the forests about this river and its tributaries has greatly affected the regularity of the flow of that river and seriously impaired its use for navigable purposes. Bars form in Long Island Sound at the mouth of this river and the Government is put to the expense of constant dredging. A bar or shoal now extends a mile and a half from the shore into the

sound, and Mr. Goodrich, manager of a line of steamships doing business between New York and Hartford, testified before the Committee on Agriculture that this bar was made up of sand with no alluvial mud in it. There is little sand in the banks of the lower part of the Connecticut River and little on the Vermont or New Hampshire shores until the upper part of the river is reached. This sand can come from nowhere else than from the deforested mountain slopes of New Hampshire.

Mr. CUSHMAN. Mr. Speaker, will the gentleman yield for a question?

Mr. CURRIER. I yield for just a question.

Mr. CUSHMAN. I was going to say we will be very glad to get rid of a large portion of the forest reserves we have.

Mr. CURRIER. And we will be very glad to take it. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SCOTT. Mr. Speaker, I would like to inquire how much time I have remaining?

The SPEAKER. Thirteen minutes.

Mr. SCOTT. I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, I hope that the membership of this House realizes the importance of the policy which we are asked to initiate in the adoption of this bill. The men in favor of this proposition have tried to convince the House that it is limited only to the eastern and to the southern sections of our country. Those who are influenced by considerations of locality are making a mistake. This policy is nation wide. The public sentiment that has been created all over the United States in favor of this proposition will in the future be exerted to induce Congress to appropriate the money necessary not alone to buy the cut-over lands in the Appalachian and White Mountain ranges, but to continue and extend this policy until it includes all the now worthless lands in private and public ownership from the Atlantic to the Pacific Ocean, regardless of the cost to the people of the United States.

This is but the entering wedge of a policy which means ultimately the most gigantic expenditure of any peaceful policy the Federal Government has ever embarked upon. There are cut-over lands in Minnesota, there are cut-over lands in Wisconsin, there are cut-over lands in Michigan, and later on there will be cut-over lands in every State in the United States, where the States, the woman's clubs, and private owners will all demand their purchase by the Federal Government, to be paid for from the Federal Treasury. No man, here or elsewhere, can now estimate the ultimate cost to the Government of the United States of inaugurating the policy we are by this bill asked to inaugurate. Adopt this bill and you create an immediate demand on a bankrupt Treasury of \$4,000,000. But, Mr. Speaker, there is a more serious objection to this bill than the magnitude of the policy we are asked to initiate by the adoption of this bill. Never before has Congress been asked, or has Congress attempted, to amalgamate by legislation the powers of the States and the Federal Government. This bill authorizes a co-partnership between the Federal Government and the States, both in the acquisition of the land and in the administration of this policy, and authorizes the Federal Government to pay into the treasury of the state governments affected by this measure, or by this policy, 25 per cent of the proceeds received from the sale of timber or the administration of this law, and then this bill attempts to limit and restrict the right of the legislature as to how that money shall be appropriated by the States and the purposes for which it may be appropriated. But, Mr. Speaker, not alone does this bill attempt to amalgamate the federal power with the state power or state authority, but it also proposes to destroy that balance between the coordinate branches of the Federal Government that is absolutely essential to its existence and the perpetuity of our institutions.

We propose by this bill to create a commission consisting of three officers of the executive branch of the Government and two Members of the legislative department of the Government. This commission is clothed with the administration of a law enacted by Congress, something that has never before been proposed, something that Congress has never before been asked to consider or act upon in the previous history of the Government. Here is a proposition that may involve the legislative branch in a controversy with its own Members in respect to administration and administrative affairs—a situation unheard of and not contemplated by those who founded the Government. I may say, that to maintain the proper balance of power between the States and the Federal Government and also the balance of power between the coordinate branches of the Federal Government, we should continue the exercise of our respective powers along the line and within the rules laid down by the men who

framed and adopted the Constitution of the United States, and not consolidate the exercise of these independent powers, as proposed by this bill. [Applause.]

Mr. DAVIS. Mr. Speaker, there seems to be a misconception on the part of many who have participated in this debate that the sole object and purpose of this bill is to acquire national forests in the Southern Appalachian Mountains and White Mountains. No doubt this erroneous view emanates from the fact that on the first page of the bill the title appears to be "An act for acquiring national forests in the Southern Appalachian Mountains and White Mountains." However, this bill, as it is now being considered, has been amended by striking out all after the enacting clause as it was previously introduced in the Senate and inserting the present bill, wholly different in most of its essentials from the legislation originally proposed. And it will be observed that the concluding sentence of the present bill amends the title thereof so as to read:

An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

Thus it will be observed that not only the title of the bill as amended, but that the body of the bill does not limit its provisions to any particular locality or section of the United States, but is applicable to all and is intended to cover all with its wise and beneficent provisions in conserving the navigability of all navigable rivers and for the protection of the watersheds of all such navigable streams.

While the act provides that the various States may cooperate among themselves and also in conjunction with the United States, which idea of cooperation is apparently repugnant to the minds of some, and thus expressed during this debate, yet in my judgment this cooperation is wise and legal, and I am heartily in accord with the principles that thus permit of such cooperation whenever and wherever the object sought to be accomplished is of general benefit to all the people of this Republic.

Matters in which the individual States are unable to cope successfully and which in their nature are interstate, as particularly set forth in this proposed legislation, are of the highest importance and of the greatest benefit to the Nation as a whole.

The gentleman from New York [Mr. PAYNE], who has just preceded me, and who as a rule illuminates most subjects that he touches, I think in this instance did not make a happy illustration wherein he stated in substance that all seemed to clamor for the conservation of our natural resources in every form, yet few, if any, ever expressed a desire of conserving the Treasury of the United States. Mr. Speaker, I fully agree with the gentleman from New York that it is commendable, and even necessary, to conserve the Treasury, and I for one have by my vote endeavored to do so. But to conserve the Treasury alone at the risk of wasting our great natural resources, such as our forests, streams, minerals, and the products of the soil, is often unwise, for the better we conserve our natural resources, thus increasing our natural production of the things which go to make up our Nation's wealth and bettering and increasing our transportation facilities, the more sure we are of providing the means to keep a full Treasury.

Again, Mr. Speaker, the United States for many years has firmly established the principle of cooperating with the several States. I shall not attempt to enumerate the instances in the past or present wherein this cooperation prevails, and not only wherein the Congress approves, but the people of this Nation as well. However, some notable instances are: Our public schools, established under federal initiative by grants from the public domain; our universities were, and still are, similarly endowed; and, finally, the crowning act of all was the endowment of our agricultural colleges and experiment stations in every State in the Union. While the amount of money thus contributed by the General Government to cooperate with the States along these educational lines is insignificant compared with the vast sums expended for these purposes by the States, yet the impetus given by the Federal Government in thus initiating and establishing these institutions has spurred on the States to greater effort. I know of no instance wherein the General Government has thus initiated a movement by cooperation with the States wherein the results have not been most beneficial and redounded to the inestimable benefit, prosperity, and happiness of all our people, socially, morally, intellectually, industrially, and commercially. The measure under consideration is along this line, for it certainly seeks to and will conserve some of our natural resources, which would not only lie dormant, but would be wasted entirely to this Nation for all time, were this conservation left entirely to individual effort sporadically attempted by the several States. The educational

cooperation which I have mentioned, and especially along industrial lines, has tended more than anything else to the conservation and strengthening of our young men and women in all ways, and especially in increasing their productive capacity, thus conserving our greatest national assets, for it is to their intelligent uplift that prosperity, commercially, socially, morally, and patriotically depends.

Therefore, Mr. Speaker, I am heartily in accord with the principles involved in this bill, and while some of its provisions might be improved, if opportunity were given for amendment, yet the principles should not be sacrificed because of some defective detail. [Applause.]

Mr. SCOTT. Mr. Speaker, if the House will pardon a personal reference, I should like to begin by saying that for the past eight years I have been giving a great deal of attention to this question. I have read thousands of pages of official reports and other literature upon the subject. I have heard it discussed a day at a time on several different occasions by very able men. I have traveled hundred of miles over the country to be affected by it, in order to get information at first hand, and I can say without hesitation that there has never been a question before this body concerning which I am more clear in my own conclusions than I am in the conviction that this bill should be defeated.

I realize that there is a very strong public sentiment in favor of it; but, Mr. Speaker, there are two kinds, at least, of public sentiment. One is that sentiment which is based upon complete and accurate information, the conclusions of which are reached after carefully considering all the arguments on all sides of the question, and for that public opinion I have a profound respect. But there is another public sentiment, which is founded upon lack of information or positive misinformation, which has been reached after hearing only one side of the argument, which has been manufactured by an industrious and interested propaganda, and for that public sentiment I have no respect whatever.

"The forests are being rapidly and completely destroyed."

"This destruction will ruin the streams, destroy the farms, and make the country a desert."

"The only way these appalling calamities can be averted is through the Government ownership of watersheds."

That is the way the argument has run, and, believing those things to be true, the people, or great numbers of them, have reached the conclusion, as every patriotic citizen would, "In Heaven's name, let the Government buy and own these watersheds." The trouble with that argument is that not one of the statements upon which it is based is true. It is not true that the forests are being rapidly and completely destroyed. I am not qualified to speak from personal observation of the White Mountains, although touching them I have heard it said that they are more completely forested now than they were forty years ago. But I know that in the Southern Appalachians there is not as much cleared land now as there was twenty-five years ago, and I know that, in the very nature of things, that country never can be wholly denuded of its forests, because it lies in the zone of a warm climate, with plenty of moisture, and when the land is cleared off, if the floods do come and wash away the soil so that it is no longer fit for farming purposes and must be abandoned, then by the force of the climatic condition the forest comes back, at least the cover—the jungle comes back, serving the purpose of a forest cover. So the land never can become a desert, as has been depicted.

Furthermore, as has been shown by the gentleman from Washington [Mr. HUMPHREY], the great majority of the engineers, not the foresters, but the engineers who have studied this question, are of the opinion that the forests do not guard navigable streams against great floods or against an extreme low stage of water.

Neither is it true that the only way the appalling calamities which have been predicted can be averted is through the government ownership of the watersheds. It is clearly demonstrable that the greatest damage now is coming from the portions of the watersheds that are cleared for farming purposes; but it is equally demonstrable that if the land is properly tilled it will hold just as much water when used for farming as it held when covered with a forest, and if properly tilled the soil will not wash. It is clearly possible, therefore, for all that is sought to be gained by the passage of this bill to be reached through the education of the people in the direction of proper methods of crop rotation and of the cultivation of the soil.

And what would be the advantage of that? Why, the soil is worth more for farming purposes, if it can be held in place, than it is for raising timber. It is worth vastly more to the State to keep it on the local tax roll than it is to have it owned by the Government of the United States; and I think these ob-

jects can be attained by proper cooperation between the States and the Government without the purchase of the land.

Mr. Speaker, I am in cordial sympathy with the policy of conserving our natural national resources, but I believe that the revenues of this Government are a national resource, and that they, too, deserve to be conserved. We are certainly not conserving them when we propose to spend millions of dollars for an object which can be accomplished without such an expenditure, and for an object which in all likelihood would never be reached by such expenditure.

It is argued by the gentlemen supporting this measure that the money is taken from the receipts of the Forestry Service, and it is thought to make us believe on that account that it is not to cost the country anything.

Why, the receipts from the Forest Service are not a new source of revenue brought into being by this bill. They are a source of revenue that already exists, and when we propose to appropriate these receipts under this bill we are simply attempting to do by indirection that which we do not dare to do directly. Certainly every Member must recognize, whether the money comes from the sale of the forest resources or whether it comes from customs revenues, or any other source, it must be taken out of the National Treasury; so it does not make any difference, so far as that is concerned.

Mr. Speaker, I hope this bill will be defeated, because it is a step in the wrong direction, because it would not bring the results which the proponents hope, and because it would involve an expenditure from the Treasury of the United States of an amount which can not now be measured. [Loud applause.]

I append as a part of my remarks the views of the minority:

VIEWS OF THE MINORITY.

In the first session of the Sixtieth Congress, reporting upon a resolution offered by Mr. BARTLETT of Georgia, the Committee on the Judiciary of the House of Representatives declared it to be their opinion that—

"The Federal Government has no power to acquire lands within a State solely for forest reserves, but under its constitutional power over navigation the Federal Government may appropriate for the purchase of lands and forest reserves in a State, provided it is made clearly to appear that such lands and forest reserves have a direct and substantial connection with the conservation and improvement of the navigability of a river actually navigable in whole or in part."

Bearing that opinion in mind (and it has met with universal acquiescence), it becomes of the very first importance, in considering a bill for the purchase of forest reserves, to determine whether such reserves "have a direct and substantial connection with the conservation and improvement of the navigability of a river actually navigable in whole or in part." The statement that such connection does exist has been so confidently assumed and so often repeated that those who have given but a casual or superficial study to the subject have come to regard it as an established and admitted fact.

The truth is that it is neither established nor admitted. On the contrary, the proposition is very earnestly disputed by men whose opinions are entitled to great weight. It is perhaps not overstating it to say that a majority of the riparian engineers who have given the subject careful study are of the opinion that forests do not exercise any effective control in either extremes of high water or of low water. Lieut. Col. H. M. Chittenden, of the United States Army Engineer Corps, who has been studying the control of floods in rivers for many years, is perhaps the most conspicuous exponent of this view in our own country, having recently read a paper before the American Society of Engineers in which is presented a powerful and to many minds a convincing argument in support of his contention. In Europe the same opinion is entertained by M. Ernst Lauda, chief of the hydrographic bureau of the Austrian Government, who has recently made an exhaustive report upon the great floods of the Danube, in the course of which he says:

"It is universally believed that forests have an influence in moderating and preventing floods and deforestation upon their origin and more frequent occurrence, yet this belief is not better established from a hydrographic standpoint than the entirely unfounded belief that the floods of the past few years in Austria are due to deforestation. Against the popular belief in the favorable influence of forests upon floods resulting from excessive rains may be adduced the interesting fact that lands richest in forests are frequently visited by the severest floods."

In support of this opinion he traces the history of the Danube River for eight hundred years, drawing the conclusion that floods were formerly just as frequent and just as high in that river as they have been in recent times. He cites the records of the river Seine also, showing even greater flood height in the sixteenth century than any that occurred in the nineteenth. As deforestation in the watersheds in both the Danube and the Seine is vastly greater now than it was eight centuries or three centuries ago, the testimony of the actual records presented by M. Lauda can not be lightly set aside. Nor can it be said that M. Lauda stands alone in his opinion, for at the Tenth International Congress of Navigation, held at Milan in 1905, papers upon this subject were presented by representatives from France, Germany, Italy, Austria, and Russia; and while all the writers favored forest culture, the opinion was practically unanimous that forests exert no appreciable influence upon the stream flow of rivers.

Indeed, Colonel Chittenden, who has perhaps studied foreign reports upon this subject more carefully than any other American, declares that he is unable to find among the river engineers of Europe any that advocate forests as a corrective for the extremes of flow in our rivers. He cites an exceedingly elaborate investigation instituted by Napoleon III, as a result of which the French engineers, after an exhaustive study of the subject, united in the opinion that whatever value forests might have locally in preventing the erosion of steep slopes they could not be relied upon in any degree to diminish the great floods from which France had been suffering, and that any measures which might be taken in the line of reforestation would have no appreciable effect.

The report of these engineers quoted a very elaborate and exhaustive work upon the floods of French rivers, going back over six hundred years, in which it was conclusively shown that former floods were larger than those of the present time. As a result of this report it is declared that no French project of river improvement, either for flood prevention or as an insurance against low water in navigable rivers, has embraced reforestation as an essential part, or even any part at all.

In our own country, where river records have been kept but a comparatively short time, the data are, of course, insufficient to warrant any very sweeping generalizations. We believe it is admitted, however, that the records of the Ohio River, which extend over a period of forty years, show greater extremes of both high water and low water during the first twenty years of that period than during the last twenty years, thus bearing out in a degree at least the conclusions reached through a study of the extended periods of observation of European rivers. While it can not be regarded, therefore, as fully established, we submit that the weight of expert testimony and the preponderance of evidence as deduced from actual observation is very largely in favor of the proposition that forests do not exercise an appreciable influence upon the navigability of navigable rivers.

But the argument against the proposition in the bill under consideration by no means rests alone upon the contention that there is no vital connection between the forests and the maintenance of navigability in navigable streams. It is a conceded fact that at the present time, in the Southern Appalachians at least, the menace to the streams comes from the operations of the farmer and not from those of the lumberman. It is the tracts on the lower slopes of the mountains which have been cleared for farming from which the silt is washed into the streams, and not from the upper slopes, which are covered with trees. Now, it is not denied that if these lower slopes are properly farmed the soil will not wash appreciably, and the streams therefore will receive no damage. It is not denied, either, that if the steeper slopes, which never can be farmed, are protected from fire, they will always be forested, or at least covered with a growth that will prevent erosion.

Remembering these two undenied facts, can it be argued that it is necessary for the Government to purchase either the upper or the lower slopes of the mountains in order to protect the streams? The lower slopes are more valuable for farming than for timber raising if they can be prevented from erosion. Since they can be so prevented by proper methods of tillage, would it not be better national economy for the Federal Government to help teach the farmers of that region how to till their soil in such a way as to prevent erosion and maintain its fertility than it would be to buy out those farmers and return the land to the wilderness? And since the upper slopes will always have a forest cover, if protected from fire, would it not be better national economy for the Federal Government to lend its aid to such protection at a comparatively trifling cost (it is estimated by the Forest Service that the cost of an effective fire patrol would not exceed 2 cents per acre per annum) than to buy the land at a very great initial expenditure, with the cost of fire protection to be added as a fixed and continuing charge? Would it not be better for the States concerned to have the lands remain in private ownership, supporting a larger population than could possibly be maintained if the policy of the pending bill is pursued, and retaining the value of the property on the tax rolls?

The very best that can be said in support of the proposition for the federal purchase of these lands is that as a result of such purchase the impairment of navigable streams may possibly be diminished or retarded. But will this vague general possibility, or probability, of a distant and shadowy good offset the immediate and certain evil of driving large numbers of people away from homes which in many instances have been occupied for generations, of reducing the productivity of large areas, and of taking large amounts of property from local tax rolls?

It is cited as a special merit in the pending bill that the money to carry it into effect is taken, not from the General Treasury, but from the receipts of the existing Forest Service, the agreeable inference therefrom being that the proposed new forests can be bought without any real draft upon the Treasury. We are unable to see the force of this argument. The receipts from the present national forests are not a new source of income conjured into existence by the pending bill. On the contrary, these receipts are a part of the national revenues which are paid into the Federal Treasury, just as are the revenues from customs dues or internal taxation. To regard the income from the forests as a special fund which can be diverted without any real effect upon the Treasury balances is a palpable fiction, which if adopted would expose the Congress to the charge of doing by indirection what it was not willing to do directly. If we are going to enter upon this policy, let us do it openly and boldly with a full understanding of what it will cost and where the money is to come from.

In its terms, the life of the measure being limited to ten years and the expenditures under it restricted in the aggregate to \$19,000,000, this bill is extremely conservative compared with others that have been introduced upon the same subject. It is to be noted, however, that it is applicable to every section of the country, and that the foremost advocates of the policy which it initiates maintain that the policy can only be carried to a successful issue through the purchase of many million acres of land. The last official report upon the subject recommended the purchase of 5,000,000 acres in the Southern Appalachians and 600,000 acres in the White Mountains, the average estimated cost being \$3.50 an acre. But it states also (on page 32) that there are 75,000,000 acres in these mountains which "will have to be given protection before the hard-wood supply is on a safe footing and before the watersheds of the important streams are adequately safeguarded." While no one now advocates the purchase of this enormous area, yet with the policy once entered upon and backed by the tremendous political and industrial influences that can be brought to its support, who can give assurance that such purchases may not be made in the future, and the cost of this policy be thereby extended from tens of millions to hundreds of millions?

Notwithstanding the enormous expenditure which will almost inevitably result from the entrance upon this policy, it might still be warranted if it were a demonstrated fact that the maintenance of the forested watersheds is the only way by which the filling up of navigable streams and the destructive erosion of large sections of our country can be prevented, and that the only means by which forested watersheds can be maintained is through federal ownership of such watersheds. Believing, however, that this destructive erosion and consequent silting of rivers can be prevented by the introduction of proper methods of farming and by adequate fire protection, both of which can be accomplished through the cooperation of state and federal agencies at comparatively little expense, we are unwilling to consent to a measure which commits the Government to a policy which we believe to be both unwise and unnecessary.

Mr. WEEKS. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has three minutes remaining.

Mr. WEEKS. Mr. Speaker, in three minutes, of course, there is not time to answer many of the statements which have been made; but it is apparent to anyone who has studied this question that most of the statements in opposition to this bill are entirely without foundation. The gentleman from New York [Mr. PAYNE] made nearly the same speech to-day that he made against the reclamation act, and for which nearly every man who spoke against that bill has apologized, though I have not heard the gentleman from New York apologize for his vote and action in that matter; and those gentlemen who do not now understand this bill will come to its support in time.

The gentleman from Minnesota has set up a man of straw about States and the Government cooperating. Why, the Government is now cooperating with the States; the Government is even cooperating with cities, for within a week we have passed a bill in which the Government cooperates with the city of New York in dredging operations.

If gentlemen on this side of the Chamber want to stand by their national platform they will vote for the passage of this bill. If gentlemen on the other side of the Chamber want to stand by their national platform, which in definite terms approves this legislation, they will vote for this bill. The President of the United States has recommended it in seven annual messages. A majority of the governors of all the States of the Union have met in convention in Washington and have indorsed legislation of this character. We talk about conserving natural resources. How are we going to conserve resources unless we begin to conserve somewhere? We can probably talk for all time, and find fault and criticize particular bills. Anybody can do that. The difficulty is in maturing a measure which we believe will protect the interests of the Government, which will give the Government an opportunity for getting back a reasonable return for what it has spent. Gentlemen talk about these enormous expenditures, \$19,000,000 proposed in the next ten years, as if the Government was not going to get anything in return. As a matter of fact, if the money is spent wisely, as I believe it will be by this commission, it will not only get back the value of the property in time, but in ten years the property will be vastly more valuable than when purchased. We will be simply following the example of every European country, and of every other country in the adoption of a policy of this kind. There is not a single first-class country on the face of the globe that is not either purchasing land or conserving the timber on forest reservations, and some of these lands are paying as much as \$9 an acre, net, annually.

The Government of Japan alone has a forest reservation which has been in systematic operation for four hundred years, and in one province 85 per cent of the male inhabitants are engaged in forestry pursuits.

This is no new matter. It is a project that ought to have had the attention of this country long ago, and if we do not take action there will, in my judgment, be disapproval and regret on all sides. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. WEEKS] to suspend the rules and pass the bill.

The question being taken,

Mr. WEEKS. In order to save time, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 147, answered "present" 10, not voting 72, as follows:

YEAS—157.

Acheson	Cooper, Pa.	Fornes	Henry, Conn.
Allen	Cooper, Tex.	Foster, Ind.	Hepburn
Ashbrook	Cooper, Wis.	Foster, Vt.	Higgins
Bartholdt	Coudrey	Foulkrod	Hill, Conn.
Bates	Craig	Fuller	Hinshaw
Bede	Crawford	Gaines, Tenn.	Hitchcock
Bell, Ga.	Currier	Gardner, Mass.	Hobson
Bennet, N. Y.	Darragh	Gardner, N. J.	Hubbard, W. Va.
Bennett, Ky.	Davidson	Gilham	Hughes, N. J.
Brodhead	Davis	Gill	Hull, Iowa
Brownlow	Daves	Gillespie	Hull, Tenn.
Brundidge	Denby	Gillet	Humphreys, Miss.
Burleigh	Denver	Glass	Johnson, S. C.
Burnett	Diekema	Godwin	Jones, Va.
Burton, Del.	Douglas	Goldfogle	Kelher
Calder	Draper	Greene	Kennedy, Ohio
Candler	Edwards, Ky.	Guernsey	Kimball
Capron	Ellerbe	Hale	Kinkaid
Cassel	Esch	Hall	Lamb
Caulfield	Estopinal	Hamilton, Mich.	Landis
Cockran	Favrot	Harding	Langley
Cocks, N. Y.	Finley	Harrison	Law
Cole	Flood	Haskins	Lawrence
Cook, Pa.	Foelker	Hedlin	Lee

Lenahan	Mudd	Reynolds	Taylor, Ohio
Iever	Nelson	Richardson	Thomas, N. C.
Longworth	Nicholls	Roberts	Thomas, Ohio
Loud	O'Connell	Robinson	Tirrell
Lovering	Padgett	Ryan	Townsend
McCall	Page	Saunders	Waldo
McKinney	Parsons	Slomp	Washburn
McLachlan, Cal.	Perkins	Small	Watkins
McLaughlin, Mich.	Peters	Sperry	Webb
McMorran	Pollard	Stanley	Weeks
Madison	Porter	Stephens, Tex.	Willey
Mann	Pou	Sturgiss	Willett
Martin	Prince	Sulloway	Wood
Maynard	Rafney	Sulzer	
Moon, Tenn.	Ransdell, La.	Swasey	
Morse	Reeder	Talbott	

NAYS—147.

Adair	Ellis, Oreg.	Howell, N. J.	Overstreet
Aiken	Englebright	Howell, Utah	Parker
Alexander, Mo.	Fairchild	Hubbard, Iowa	Payne
Andrus	Fassett	Huff	Pujo
Barchfeld	Ferris	Humphrey, Wash.	Rauch
Barclay	Fitzgerald	Jenkins	Rucker
Barnhart	Fordney	Johnson, Ky.	Russell, Mo.
Bartlett, Ga.	Foss	Jones, Wash.	Russell, Tex.
Beale, Pa.	Foster, Ill.	Kelifer	Sabath
Beall, Tex.	Fowler	Kennedy, Iowa	Scott
Bingham	French	Kitchin	Shackleford
Bonyng	Gardner, Mich.	Knopf	Sheppard
Bowers	Garner	Knowland	Sherley
Boyd	Garrett	Kulstermann	Sherwood
Brantley	Goebel	Lindbergh	Sims
Burgess	Gordon	Livingson	Slayden
Butler	Graft	Lloyd	Smith, Cal.
Campbell	Gregg	Lorimer	Smith, Tex.
Carter	Gronna	Loudenslager	Snapp
Chaney	Hackett	Lowden	Southwick
Chapman	Hackney	McCreary	Spight
Clark, Mo.	Haggott	McGavin	Stafford
Conner	Hamilton, Iowa	McGuire	Steenerson
Cook, Colo.	Hamlin	McHenry	Stevens, Minn.
Cousins	Hammond	McKinlay, Cal.	Tawney
Cox, Ind.	Hardwick	Macon	Thistlewood
Crumpacker	Hardy	Madden	Tou Velle
Cushman	Haugen	Malby	Underwood
Dalzell	Hawley	Miller	Volstead
Davenport	Hay	Mondell	Vreeland
Dawson	Hayes	Moore, Pa.	Wallace
De Armond	Helm	Moore, Tex.	Wheeler
Dixon	Henry, Tex.	Murdock	Wilson, Ill.
Driscoll	Hill, Miss.	Murphy	Wilson, Pa.
Durey	Holliday	Needham	Young
Dwight	Houston	Nye	The Speaker
Edwards, Ga.	Howard		

ANSWERED "PRESENT"—10.

Booher	Ellis, Mo.	McDermott	Wanger
Cary	Goulden	Olmsted	
Cravens	Griggs	Riordan	

NOT VOTING—72.

Adamson	Clark, Fla.	Laning	Randell, Tex.
Alexander, N. Y.	Clayton	Lassiter	Reid
Ames	Floyd	Leake	Rhinock
Ansberry	Focht	Legare	Rodenberg
Anthony	Fulton	Lewis	Rothermel
Bannon	Gaines, W. Va.	Lindsay	Sherman
Bartlett, Nev.	Graham	McKinley, Ill.	Smith, Iowa
Birdsall	Hamill	McLain	Smith, Mich.
Boutell	Hughes, W. Va.	McMillan	Smith, Mo.
Bradley	Jackson	Marshall	Sparkman
Broussard	James, Addison D.	Moon, Pa.	Sterling
Burke	James, Ollie M.	Mouser	Taylor, Ala.
Burleson	Kahn	Norris	Watson
Burton, Ohio	Kipp	Olcott	Weems
Byrd	Knapp	Patterson	Weisse
Calderhead	Lafean	Pearre	Williams
Caldwell	Lamar, Fla.	Pratt	Wolf
Carlin	Lamar, Mo.	Pray	Woodyard

So the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. BOUTELL with Mr. GRIGGS.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. ADDISON D. JAMES with Mr. LAMAR of Florida.

Mr. WOODYARD with Mr. TAYLOR of Alabama.

Mr. WEEMS with Mr. ROTHERMEL.

Mr. WATSON with Mr. WILLIAMS.

Mr. STERLING with Mr. RHINOCK.

Mr. SMITH of Michigan with Mr. REID.

Mr. RODENBERG with Mr. PRATT.

Mr. MOON of Pennsylvania with Mr. LASSITER.

Mr. MCKINLEY of Illinois with Mr. LAMAR of Missouri.

Mr. SMITH of Iowa with Mr. RANDALL of Texas.

Mr. PRAY with Mr. PATTERSON.

Mr. PEARRE with Mr. McDERMOTT.

Mr. OLCOTT with Mr. McLAIN.

Mr. NORRIS with Mr. LEAKE.

Mr. LAFEAN with Mr. KIPP.

Mr. KNAPP with Mr. HAMILL.

Mr. KAHN with Mr. CRAVENS.

Mr. HUGHES of West Virginia with Mr. FLOYD.

Mr. GAINES of West Virginia with Mr. CLARK of Florida.

Mr. FOCHT with Mr. CARLIN.
 Mr. CALDERHEAD with Mr. CALDWELL.
 Mr. BURKE with Mr. BYRD.
 Mr. BIRDSALL with Mr. BROUSSARD.
 Mr. ANTHONY with Mr. BURLESON.
 Mr. BANNON with Mr. BARTLETT of Nevada.
 Mr. OLMSTED with Mr. OLLIE M. JAMES.
 Mr. MARSHALL with Mr. FULTON.
 Mr. BURTON of Ohio with Mr. CLAYTON.
 Mr. ALEXANDER of New York with Mr. SPARKMAN.
 Mr. McMILLAN with Mr. ANSBERRY.
 Mr. ELLIS of Missouri with Mr. SMITH of Missouri.
 Mr. CORY with Mr. WEISSE.
 Mr. GRAHAM with Mr. LEGARE.
 Mr. JACKSON with Mr. WOLF.
 Mr. AMES with Mr. LINDSAY.
 On this vote:
 Mr. GOULDEN with Mr. BRADLEY.
 The SPEAKER. The Clerk will call my name.
 The Clerk called the name of the Speaker, and he voted "no," as above recorded.

The result of the vote was then announced as above recorded.

AMENDMENT OF THE RULES.

Mr. DALZELL. Mr. Speaker, I am authorized by the Committee on Rules to move to suspend the rules and pass the following resolution:

The SPEAKER. The gentleman from Pennsylvania, by direction of the Committee on Rules, moves to suspend the rules and pass the following resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 607.

Resolved, That the rules of the House be, and hereby are, amended as follows:

(1) By adding to Rule XXVI, as a new paragraph to be numbered 4, the following:

"On Wednesday of each week no business shall be in order, except as provided by paragraph 4 of Rule XXIV, unless the House by majority vote on a motion to dispense therewith shall otherwise determine. On such motion there may be debate not to exceed five minutes for and against."

"On a call of committees under this rule bills may be called up from either the House or Union Calendar, excepting bills which are privileged under the rules; but bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union."

"This rule shall not apply during the last two weeks of the session."

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second.

Mr. DALZELL. I would like to ask the gentleman from Mississippi whether he is opposed to the resolution?

Mr. WILLIAMS. Does the gentleman mean whether I am going to vote against this resolution? Yes.

The SPEAKER. A second is demanded by the gentleman from Mississippi, and, under the rule, a second is ordered. The gentleman from Pennsylvania has twenty minutes and the gentleman from Mississippi twenty minutes.

Mr. DALZELL. Mr. Speaker, paragraph 4 of Rule XXIV of the House rules reads as follows:

4. After the unfinished business has been disposed of, the Speaker shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the last bill under consideration: *Provided*, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order to call up any other bill until the other committees have been called in their turn.

Complaint has been made, Mr. Speaker, of the uncertainty as to the call of committees and as to the infrequency of that call.

The resolution that I have sent to the Clerk's desk amends paragraph 4 of Rule XXIV, answers that complaint, and seeks to do three things:

First, to make it certain that there shall be once a week every week during the session, except during the last two weeks, a call of committees.

Second, to provide that that call can not be dispensed with except upon a direct motion to dispense with it. In other words, this calendar Wednesday can not be dispensed with by calling up appropriation bills, or by calling up any other privileged bill, so as to put on the Members the burden of voting down the privileged bill so as to preserve the call of committees. To repeat, to dispense with this call, as provided for by this rule, there must be a vote upon a direct motion to dispense with it. These two things then are provided for—an automatic call of committees once a week and the impossibility of dispensing with that call unless the House, by a majority vote on a direct motion to dispense with it, shall so determine.

The third thing sought to be effected by this amendment of rules is that instead of being confined to bills reported and on the House Calendar, the committee upon which rests the call shall be at liberty to call up bills upon either the House or the Union Calendar, provided, however, that those bills are not privileged bills. That is to say, the purpose of this call can not be destroyed by the calling up of general appropriation bills or general revenue bills or by a bill which is privileged under Rule XI, paragraph 6.

Now, it seems to me that the operation of this rule must very much facilitate the business of the House. From the Speaker's standpoint it will relieve him largely from requests for unanimous consent; and from the Member's standpoint it will relieve him largely of the necessity of going to the Speaker and asking for unanimous consent. A Member having a bill on the House or Union Calendar will say to himself there is no use in my troubling the Speaker about this matter, I will have an opportunity to have the bill discussed and considered next Wednesday or the following Wednesday or at some time during the session. So that it seems to me the amendment I propose ought to appeal to every Member who is desirous of facilitating the business of the House.

I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I will ask the Chair to call my attention to it when I have occupied three minutes.

Mr. Speaker, we fear the Greeks bringing gifts, especially when they bring them late and under a considerable degree of coercion. As far as the amendment to the rules itself is concerned, it unshackles the minority to some extent, and had we pursued the usual course of an ordinary report from the Committee on Rules, we should have voted down, or tried to vote down, the previous question so as to give ourselves an opportunity to amend, and if we had been unsuccessful in that and the previous question had been voted up, then we might, and probably would, have voted for the resolution in itself. But instead of that the gentlemen have changed base. They now move to suspend the rules and pass this resolution all in one motion.

Everybody, therefore, who votes for that motion voluntarily cuts himself off from all opportunity for offering amendment. You can not even get the power to amend by voting down the previous question. Now, I had intended to offer the following amendment, had we been able to vote down the previous question—in case the matter had been considered in the ordinary manner of considering a resolution from the Committee on Rules—not in lieu of but in addition to the resolution before the House, and not only would I have had this opportunity, but others would have had the opportunity to offer amendments—

Rule 46. On Tuesday of each week no business shall be in order except an alphabetical call of the membership of the House. Upon the call of each Member's name he shall be permitted to offer for the consideration of the House one public bill, to be selected from either the House or the Union Calendar. The bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union; and there shall be given to general debate twenty minutes to the side, and to the consideration of the bill under the five-minute rule, for amendment, such time as shall be agreed upon or such time as shall, upon motion without debate, be voted by the House.

Rule 47. Whenever the majority of the membership of the House shall, in writing, petition the Speaker that a day shall be given for the consideration of a public measure, when the said measure shall have been reported by a committee, or whenever a majority of the membership of the House shall, by petition in writing, request him to give a day for the consideration of a motion to discharge any standing committee from further consideration of a designated bill, and that the House shall proceed to the consideration of it, it shall be the duty of the Speaker, not later than the next legislative day, to designate a day and to announce to the House the day designated, which designated day shall be within a reasonable time, not more remote than five days after the day of the Speaker's announcement.

I have not even the time to explain or debate it.

Mr. WILLIAMS. Mr. Speaker, I now yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I want to congratulate the gentleman from Pennsylvania [Mr. DALZELL] and his two Republican associates upon the Committee on Rules. The gentleman sees light breaking. The gentleman sees, if not light, probably a storm breaking [laughter], and the gentleman is breaking for cover. How many times in this House has the gentleman declaimed in favor of the complete excellence of the body of rules that we now have? How often has he made the assertion that the majority of this House at all times and under all circumstances could control the business of the House? Now the gentleman seems to think something more is necessary. Why is it? It is because there have been mutterings all along the line. It is because he has been compelled in his judgment in the magazines of the country to defend his action with regard to the rules. It is because the honored Speaker has been compelled to break his rule of silence and discuss in the magazines of the country the rules of this House and attempt to give

currency and credence and decency to them. [Applause on the Democratic side.]

Mr. Speaker, this proposition means nothing. It is a mere pretense. It is simply for the purpose of stifling inquiry and enabling certain gentlemen to say: "Why, we have complied with the demand for a modification of the rules." How does this rule change those that we have? Does it make the call of committees more compulsory? Let me read. Rule XXIV says:

The daily order of business shall be as follows.

The daily order. Let gentlemen remember that that is the language of the rule. Each day, the rule says, the Speaker shall indulge in the following order of business. The sixth among the order of business is as follows:

The morning hour for the consideration of bills called up by committees.

The fourth section of that rule reads:

After the unfinished business has been disposed of, the Speaker shall call each standing committee in regular order.

Do you propose to make this rule more emphatic by the language that you have used? What word of command have you in the rule now submitted that is more potential than the word "shall?" That is the language of the present rule. The duty is imposed upon the Speaker of this House—"shall be"—to pursue an order of business. He shall. That is the language, and pursuing that he shall call the committees in their order. Have you got any other word more potential? Mr. Speaker, this rule means nothing. Why is it brought in at this time, in the last days of the session?

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I yield four minutes to the gentleman from Missouri [Mr. DE ARMOND], my colleague on the Committee on Rules.

Mr. DE ARMOND. Mr. Speaker, it is of comparatively little importance what the action of the House may be upon the pending proposition to amend the rules, for but three days of the life of the present Congress remain, and it is expressly provided in this amendment that it shall not be operative during the last two weeks of any session of Congress. Then, be the amendment good, bad or indifferent, why amend at all at this time? No good reason can be given for such action.

This House can not impose rules upon the next House. This Congress will expire in three days, and with it will die the rules of this House, amended or unamended. Then why consume valuable time in considering or voting upon this amendment? And who are they who are urging this particular amendment to the rules? Generally speaking, they are the gentlemen who have steadily and for years opposed and defeated all attempts at amendment. And why are they so solicitous about amending the rules just now? The purpose is not frankly disclosed, but it can not be concealed.

Congress after Congress, on the first day of the session, without debate or with but a few minutes grudgingly given to discussion, the old, obnoxious code of rules has been rushed to adoption in bulk, without opportunity for amendment or consideration. Now, the rules by which a deliberative body shall be governed may be good, tending to preserve order, insure equality of opportunity among the members whose rights are equal, and promote the consideration and disposition of important business, or they may rob the members of rights, deprive them of essential privileges, foster oppression by the presiding officer, and take from the legislators the power to legislate.

Then, what excuse can there be for the adoption of rules through dictation rather than upon due consideration? And what graver offense can there be against representative government than the imposition of boss rule in a lawmaking body of a republic?

Much dissatisfaction has existed—and some of it has been voiced—against the machine method of making and enforcing rules in the National House of Representatives. Recently evidences of the growth and assertiveness of this dissatisfaction have been multiplying. Finally it is deemed expedient to appear to give heed to the demand for a revision of the House rules, and to-day in this House we have the first offering of reform from the antireform element. But it is not even a faint promise of real reform by aid of those who have augmented power in the Speaker's hands. Instead of reform, or the promise of reform, it is a cunningly contrived attempt to defeat reform and perpetuate existing abuses. I have already said that this amendment, if adopted, can not be operative in this Congress, for the last two weeks of the session are by its own terms freed from it; and not even two weeks, but only three days of this session remain.

Then, what is the purpose in offering and urging this amendment at this late day?

Its promoters are preparing for a repetition in the House—the new House of the new Congress—on the 15th day of this month, when the Sixty-first Congress is to convene in extraordinary session, of the bad practice of cajoling and coercing the House into adopting rules in bulk, blindly, without consideration or the opportunity for understanding how grave the result of such hasty action must be. It is believed that the hitherto light task of inducing a majority of the Members to shut their eyes and fold their hands for quick, easy, and secure tying will be made easier if something but not much of amendment be now put into the old, odious, condemned code. That is why we have this amendment before us now.

I will not go into a specification of the changes which I believe should be made in the rules. Indeed, I will now mention but few of them and without regard to orderly arrangement.

The Speaker should not be a member of the Committee on Rules or of any committee. This Committee on Rules as now constituted really is not a committee. Nominally, it consists of the Speaker and two of his party associates, of his own selection, and two minority Representatives. These two party associates of the Speaker never vote against him, while almost always the two minority members vote against them, and the tie is broken and the question is decided by the Speaker casting his vote with his chosen ones. This so-called committee has no regular meeting days, or weeks, or months—it convenes upon call of the Speaker. It does not deliberate or in fact determine anything. When the Speaker has determined to do something, with this committee as the instrument to be employed, the Rules Committee is called to meet in the Speaker's room, and his decision, by his casting vote, is put forth as the decision of the committee. Then, there is presented in the House by one of the Speaker's Rules Committee automatons "a privileged report from the Committee on Rules," and the Speaker's party friends are called upon to enforce by vote of the House the Speaker's decree. It would be precisely the same thing in effect, though less artful, if the Speaker personally, officially, and directly were to make his own report of his own action and submit to vote of the House the question of making his action the action of the House.

There should be a real Rules Committee of about fifteen members, which should hold regular meetings, like other committees, to consider and report upon bills and resolutions referred to it; and it would be better if this committee, and committees in general, were made up by some other agency than the Speaker.

When the Speaker appoints the committees, the members well placed are under obligation to him and liable to be unduly influenced by him. And it is easy to understand how the Speaker can "set up" committees, so as to secure desired action, as well as to smother measures not favored by him.

I might remark in passing that there is neither justification nor decent excuse for the unfair distribution of committee places as between majority and minority. For instance, on large and important committees there are, actually or approximately, twice as many members of the Speaker's party as there are of the opposition, a division grossly out of proportion to the relative strength of the parties in the House. Thus the Speaker wantonly deprives the minority of fair committee representation. Does he use what he takes from the minority to win needed support for arbitrary rules arbitrarily enforced?

There should be some rule to secure the recognition of Members as a right. Now recognition goes by favor.

It is often said that the Speaker is the creature of the House, which can overrule or even displace him. This is true theoretically, but practically the truism is barren of substantial relief. It is one thing to clothe the Speaker with dictatorial powers, with a reasoned-out power in the House to reverse his decrees and to remove him from his high office, and it is quite another thing to strip the Speaker of the power which does not belong to his office—strip him, not theoretically or occasionally, but practically and permanently. There is no ground for fear that the Speaker will be deprived of any authority which he should possess. Every occupant of the Speaker's chair will surely have enough of power under any code of rules. The danger lies in the other direction.

Whatever this House now does, or fails or refuses to do, concerning the rules, the next House must adopt rules for itself. How should it proceed in order to get a good code of rules?

The indications are that the extraordinary session of Congress which is to begin March 15 will be devoted to a revision of the tariff, to the exclusion of almost everything else. A Committee on Ways and Means will be needed at once. For the sake of saving time, there will be no opposition, we may safely assume, to the appointment of that committee by the Speaker

immediately after the House is organized. With equal confidence the like statement may be made as to the appointment of the Committee on Accounts and the Committee on Mileage, if the prompt appointment of these committees be necessary or desirable.

The House will be busy with the tariff bill until that measure goes to the Senate. Then the House will have an abundance of time in which to discuss, consider, and dispose of the important rules question. Why not let the question rest until then?

Arbitrary rules bear upon majority as well as minority. Indeed, upon the question of a fair, considerate revision of the rules there can be no parties except upon opposite sides of the line of cleavage between right and wrong, between intelligent, responsible free government, and boss rule.

With ample time at our disposal for fullest discussion of the rules, what can be said for arbitrary dictation or for meek submission? What reason can there be against fullest investigation and deliberate, intelligent action? Who will consent on March 15 to swallow at a gulp whatever dish of rules the Speaker's friends, doing his bidding, may offer? And who shall have the manliness to stand for freedom of action and fair play? In a very short time we shall know, and the country shall know.

Let the next House take care of itself by making its own rules. Doubtless it can do better than this House has done. [Applause.]

Mr. WILLIAMS. Will the gentleman from Pennsylvania yield some of his time?

Mr. DALZIELL. I yield five minutes to the gentleman from Kansas [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I am not disturbed, as my friend the distinguished gentleman from Iowa seems to be, about what reason has influenced the Committee on Rules in bringing in this rule at this time. The important thing, it seems to me, is that the rule is here, and it is for the House to adopt or reject it.

Neither do I agree with the gentleman from Iowa that the adoption of this rule would not leave the House in any different status than that which now exists. It is true, as he said, that we now have in the daily order of business a call of committees; but the gentleman knows, as every man familiar with the rules knows, that that order can be displaced by a preferential motion, and that in order to reach it we might have to vote down the whole Union Calendar.

But under the rule that is now pending we must have a direct vote before the proposition to do away with the call of committees can be adopted. We vote directly on the proposition as to whether or not we shall proceed to the call of committees, uncomplicated by any other question. It places the question of the call of committees on precisely the same footing with suspension day, with pension day, and District day—a certain day in the week—and gentlemen know perfectly well that we have no difficulty in reaching business under those special orders on the day that it is provided under the rule they shall be called.

Mr. FITZGERALD. Will the gentleman yield—

Mr. HULL of Iowa. Will the gentleman yield for a question? Does not this also extend the power of committees, so that they can take up bills on the Union Calendar, where we are now confined to bills on the House Calendar?

Mr. SCOTT. That is another marked change in the pending rule from that which now exists.

Mr. FITZGERALD. Mr. Speaker, will the gentleman—

Mr. SCOTT. I trust the gentleman will let me proceed.

I have never felt the humiliation, Mr. Speaker, that some gentlemen claim to have felt in being required to go to the Speaker and ask his consent to ask for unanimous consent to bring a bill before this House. Possibly because my mind is not subtle enough to note the distinction between going to the Speaker's private office to proffer the request and proffering the request upon the floor of the House. In one case, if I am turned down, a reason is given, and there is nobody present to witness my mortification. In the other case, if I am turned down, no reason is given, and the whole membership of the House may see my embarrassment.

But I recognize that there is great force in the complaint that the present practice places in the hands of the Speaker the power to say whether or not certain measures shall come before the House, and it is for that reason that I am in favor of this resolution, because if it is adopted the House will be able to reach the business on the Union and on the House calendars without asking the consent of the Speaker. It will relieve him of a tremendous burden of responsibility, and it will place that

responsibility where it belongs, namely, on the membership of the House.

I believe, also, that it will have a tendency to make committees more careful in their consideration of bills. We will not hear any more, I fancy, the statement so often heard in committee, "Oh, well; it is not exactly right, but we will recommend it anyway, and the Speaker will hold it up."

I believe that the committees under this rule will be put upon their responsibility, and that our calendars will not be cumbered with measures which members of the committees themselves do not favor. I trust, therefore, that this resolution will be adopted.

I yield back to the gentleman from Pennsylvania any time that I may have remaining.

The SPEAKER. The gentleman has a minute remaining.

Mr. WILLIAMS. Mr. Speaker, I now yield two minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, I believe that this proposed rule is the most useless, perhaps harmless, and worse than worthless proposition that has ever emanated, especially coming at this particular late day, from the Committee on Rules. It is, in my judgment, the most comical parliamentary joke that ever came down the legislative pike. In its application it is a homeopathic dose of nothingness.

Next Wednesday night at midnight this Congress goes out of existence. We can pass no rule that can live beyond the life of the Congress in which it is adopted. In three days all the rules, including this one, will expire by limitation. This particular rule provides that it shall not be in effect during the last two weeks of a Congress, and there are only three days remaining. We are therefore in the foolish and ridiculous position of adopting a rule that by its own terms and by its own stipulation can never have any legal effect, in life or in vitality.

Are we expected by the wise men to swallow this monstrosity without understanding it, without it even being printed; or is it intended as a sop to the people of the country to deceive them in their demand that this House shall modify its rules so that it shall be really a representative body instead of a one-man machine? [Applause.] Are we men or is this a kindergarten? Can it be possible that it is intended as a congressional hook upon which to hang the political fortunes of men who would be with the people at home and stand in with the machine in Washington? [Applause.] To me it illustrates only one point, and that is that the Committee on Rules has, like the prophet of old, had a revelation to the effect that, after all, the rules of the House are not of divine origin and are not altogether inspired. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. DALZELL. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, just in the line of practical suggestion, I call attention to the proposed amendment of the gentleman from Mississippi [Mr. WILLIAMS] that the roll should be called in alphabetical order on each Tuesday, each Member to call up one bill, with twenty minutes of discussion on either side, or forty minutes in all.

There are 391 Members. At that rate 12 Members could be reached on each Tuesday, allowing eight hours for a day's work, and making no allowance for time consumed in roll calls or reading of bills. It would take 32 Tuesdays to reach them all. In this session there are only about 12 Tuesdays. That plan would take beyond the life of any ordinary Congress to enable the gentleman from Mississippi [Mr. WILLIAMS], whose name is so far down on the alphabetical list, to get any bill through at all. In this session he never would have been reached. We would have been able to get only about halfway through the alphabetical list of Members. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker, I now yield two minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, the way to adopt rules for the House of Representatives is to adopt them in the way the Reed rules were adopted, namely, paragraph by paragraph, open to amendment in every way, with an opportunity for every man to have a say and point out the effect of the rules. That is the way to do it, and if we who believe in a change of rules can have our way that is the way that the rules of the Sixty-first Congress will be adopted. [Applause.]

But, Mr. Speaker, this rule is rushed in here without being printed. During its hurried reading only with the greatest difficulty could Members follow its wording. Even if it is pushed through at this late day, it can have no effect except to change the situation at the beginning of the next Congress.

Why, so far as I can tell in listening to its reading, this rule is drawn so carelessly and so hastily that I venture to say the

gentleman from Pennsylvania [Mr. DALZELL] has managed to make out of order the reading and approval of the Journal and the prayer by the Chaplain on each calendar Wednesday.

Mr. DALZELL. I yield two minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, if I have correctly read the RECORD of proceedings of this Congress, the gentleman who has just taken his seat [Mr. GARDNER of Massachusetts] about two weeks ago introduced two proposed amendments to the rules. One was an amendment to this very rule, and this proposition seems to be built upon the proposition of the gentleman from Massachusetts. I suppose when he introduced it it was not a trick or a subterfuge or anything of the kind, but was done in earnest. When it is brought in here by a member of the Committee on Rules, then it is simply regarded as a sop.

Then, Mr. Speaker, in addition to that, seven or eight gentlemen—I believe a number of them signed each proposition—introduced an amendment to the rule, and that amendment was the same in character as this amendment brought in by the Committee on Rules; but although they signed their names to that proposition, they come in here and say that this rule means nothing.

Mr. GARDNER of Massachusetts. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. PAYNE. I can not yield. I have not time. I should be very glad to discuss this with the gentleman if I had time.

The SPEAKER. The gentleman from New York declines to yield.

Mr. PAYNE. Mr. Speaker, this proposition sets by one day in the week for the call of committees, and that must proceed unless the House by an affirmative vote turns it aside. The present rule requires a prayer by the Chaplain, the reading of the Journal, the disposal of business on the Speaker's table, and then the call of committees is in order; but it is also in order to offer any privileged motion that will set that aside; and motion after motion can be offered, until the House, by a majority vote, shall set aside that order of business. This rule requires but one vote. The other may lead to delay; but in either case it requires a vote by a majority of the House to set aside the rule and stop business under this order. [Applause.]

Mr. DALZELL. How much time have I remaining, Mr. Speaker?

The SPEAKER. Eight minutes.

Mr. DALZELL. Will the gentleman from Mississippi consume some of his time?

Mr. WILLIAMS. Does the gentleman intend to conclude all in one speech?

Mr. DALZELL. I do not know whether I shall or not.

Mr. NICHOLLS. Mr. Speaker, I make the point of order that this resolution is out of order, for the reason that it can have no possible effect on this Congress or any of its actions.

The SPEAKER. Does the gentleman desire a ruling on his point of order? The gentleman is entombed in the RECORD. [Laughter.]

Mr. WILLIAMS. Mr. Speaker, I now yield two minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, the real danger of the adoption of this proposed amendment to the rules is that it may defeat for a long time real reform in the rules. [Applause.] This is a Trojan horse. It is the Greek bearing gifts; and in the paunch of that horse there is visible the Committee on Rules—always courageous, often cunning—and sticking out of the paunch of that horse I think I see several notable cold feet. [Laughter.] The little band of Members here who have stood for a reform in the rules have not been numerous, but they have behind them a public sentiment that is mighty with the instinct of righteous protest. The people of this country know what the issue in this House is. It is: Too much power in the Speaker. You can not restore power to the individual here unless you take it away from the Chair. [Applause.] He is the sole repository. This takes no power away from the Chair. Oh, how tight the control of the committees is to-day! Just let this rule be adopted, let the House have a little latitude, and how much tighter will the control of the committees be! This is a halfway measure. Let no man here vote for this if he really believes in true reform of the House of Representatives, if he really believes in giving it back its truly representative character under the Constitution. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I am going to yield all the balance of my time to one man, so if the gentleman from Pennsylvania desires to yield to more than one Member on his side, this is his opportunity to do so.

Mr. DALZELL. I yield two minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, the purpose a number of Members of this House have had in getting together was to so amend the rules of the House as to give Members the privilege of calling up business upon the calendar without consulting the Speaker. We think the rule brought in here by the Committee on Rules at this time accomplishes that purpose, and inaugurates a new era in the management of business in the House of Representatives. We simply want to put the business of the House within the control of the House, and the call of committees will enable any Member with business upon either the Union or the House Calendar to call up any business that he has upon either calendar. What else do gentlemen want? What else could they use if they had it? That gives virility to the membership of the House of Representatives.

It takes from the Speaker of the House the power of saying, "I will not recognize you for that purpose"—to call up a certain bill on the calendar, as is now the practice. It gives the power to the Member to call up, when the committee is reached, any bill that he has on the calendar. The rule provides that on Wednesday of each week no other business shall be in order except a call of the calendar. On every Wednesday, therefore, Members may, when the call is made, call up for consideration by the House any matter they have on the calendar. This removes from the Speaker both the power and the responsibility of controlling legislation. It has been the practice in this House for many years for Members to see the Speaker in his office and ask for recognition to call up a particular bill or resolution on the calendar for the purpose of asking unanimous consent on the floor for its passage or adoption. If the Speaker did not approve of the measure, he refused to recognize the Member. If the Speaker approved the measure, he recognized the Member. This was at once too much power and too great a responsibility in the Speaker. This amendment to the rules relieves the Member from the necessity of asking the Speaker for recognition and takes from the Speaker the power to refuse it.

That is a substantial reformation in the conduct of the business of the House, and gives the control of business to the Members, and that is what the men have sought to accomplish who want to do something that would enable Members to transact business without the control or the consent of the Speaker. [Applause.]

Mr. DALZELL. Will the gentleman from Mississippi use some of his time, as I shall use the balance of mine in one speech?

Mr. WILLIAMS. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, how much time is there remaining?

The SPEAKER. Two minutes.

Mr. CLARK of Missouri. Mr. Speaker, I am as much in favor of reforming these rules as any other man in this House, but I am dead against this proposition. I am against it simply because it is a bait with which to catch gudgeons, and I refuse to swallow the bait. [Laughter and applause.] It is pleasant to have it come in here—on the principle that even hypocrisy is a tribute to virtue. The trouble with the reigning powers is that there is revolution in the air; the spirit of revolt is pervading the household troops; the janizaries are in the sulks, and even the Swiss guards can not be depended on any longer.

I have said that I am in favor of reforming the rules, but the reform must be general and genuine. I am most decidedly in favor of restoring the liberty and initiative of the individual Member to the fullest extent consistent with the power of the House to transact business when it so desires, such business as it desires to transact, not merely such business as the Committee on Rules desires to transact. The House should have full opportunity to debate and amend the rules. It might make many changes or few, but whatever changes it makes should be done after ample discussion and deliberation, and should represent the aggregate wisdom of at least a majority of the Members.

The proposition now presented not only comes too late, but is of too little consequence to be regarded even for one moment as an adequate reform. It is a tub to the whale—merely a toy tub. If the whale is fooled by it, he desires to be fooled. That much is clear. It is brought in here within three days of the end of this Congress, when it can do this Congress no possible good as a feeble and specious attempt to head off real reform. It does not deserve respectful consideration and will deceive nobody. I cordially invite all friends of reform to vote against it.

To accept this tiny reform as satisfactory would be another case of "much cry and little wool." The gentleman from Mississippi [Mr. WILLIAMS]; the gentleman from Iowa, Colonel HEPBURN; my colleague from Missouri, Judge DE ARMOND; the gentleman from Massachusetts [Mr. GARDNER]; the gentle-

man from Nebraska, Judge NORRIS; and the gentleman from Kansas [Mr. MURDOCK] have all made valuable suggestions. Had the Committee on Rules thrown their proposition open to amendment we might come to an agreement as to the amendments desired and been through with it; but even in this make-believe reform the tyranny complained of with justice is put in evidence by the refusal to permit amendment. All that we are permitted is the poor privilege of twenty minutes' debate on each side, and we stoutly refuse that as a sufficient remedy. If we did accept it, the word would go out even unto the ends of the earth that the Committee on Rules had reformed the rules, which would be inconsistent with the facts.

Talleyrand said that Louis the Sixteenth could have saved his head and his throne by any one of twenty different reforms which he granted had he granted them in time, but he postponed every one till too late, and the ruling elders in this House have postponed reform until it is too late. We will reform the rules, but it will be done on the 15th day of March. [Laughter and applause.]

Mr. DALZELL. The gentleman from Missouri is as good a prophet as he was prior to the last election. [Laughter.] I yield the balance of my time to the gentleman from Michigan.

Mr. TOWNSEND. Mr. Speaker, the question before the House is the adoption of the pending resolution. Practically every man in here believes that the resolution, or the amendment proposed, is in the interest of the business of Congress. It is what gentlemen have been demanding. Bills on the House and Union Calendars will come up automatically and permission of the Speaker will not be necessary. But for some reason or other gentlemen who were once favorable to the plan are now opposing it, and give as an excuse for their conduct that it is not all they want. They may excuse their actions to themselves, but they will hardly satisfy their constituents.

I have been in this House long enough to have seen a great many measures which were good in themselves condemned because gentlemen said they did not go far enough. Now, I submit, Mr. Speaker, that what the people require of Congress is to transact the business which they think ought to be transacted. The country is not so much interested in our little piques, in our little disappointments, as it is in the conduct of the business of the Congress, and we will not be excused if we vote down a measure which in itself is right simply because it does not include all that we could hope for. This measure in principle has had the indorsement of every Member who has favored a revision of the rules. Why this change?

The House should revise the rules for the better, if at all. What would be the result if the gentleman from Mississippi could induce the House to adopt his code of rules, for instance? What if other gentlemen who have proposed changes could have their way? Does any man imagine that we would have a better condition than we have now? I for one, Mr. Speaker, have felt that the rules ought to be amended. I have had a sincere desire to amend them, and have worked consistently to that end, but I trust that I have not been made wild over the matter. I do not care to advocate any rule that would not work better than the existing rules. I submit that there has been no other proposition submitted which, in my judgment, is workable here.

Now, Mr. Speaker, this rule does what we have been clamoring for. It sets apart one day in the week in which consideration of bills on the calendar takes precedence of all other matters. You can not take this order off the floor by voting down or up some other measure, but the vote to suspend the order for the day must be directly on a motion to suspend it.

One of the arguments which I have heard expressed in the lobby, but which no man has uttered on the floor, is that there is danger that some measure on the calendar of which gentlemen are afraid will be called up and a vote compelled.

I want to see the calendars cleared and all matters worthy of a great committee's favorable report disposed of. Now, the gentlemen who have spoken in opposition here are of too high character for me to attribute any unworthy motive to them; but it has been alleged that this rule might bring up matters which a Member might wish to dodge, as he would rather go home and say that he had had no opportunity to vote upon it, and in that case the Speaker becomes an ever-useful scapegoat. This rule can put all the matters of Congress which are on the House and Union Calendars before it, and I submit that we, as honest, courageous Members of Congress, have no right to evade the responsibility of meeting these measures as they shall come up.

Now, it is true that there were a few gentlemen who signed this resolution, or one like it, who, I take it, have been charged with having "cold feet," because they never consented to advocate an inefficient and untried scheme, but pushed to adoption a measure which all gentlemen agree will be highly beneficial.

I submit, Mr. Speaker, that the insinuation of unstability comes with ill grace from the gentlemen who make it. There are none of the eight or nine men who signed this resolution who do not now support it. They presented it because they believed that it could be adopted now, and would thus be easier of adoption next session, and that it would work a revolution in the business of the House. Mr. Speaker this membership asks no more than to be given an opportunity to meet and dispose of the business which gets on to the calendars of the House. This rule will give us that opportunity, and so it occurs to me that we can not do less than to adopt it at this time. It does not prevent the gentlemen who are so anxious to bring about other reforms from pressing other measures at other times and in such a way as they may determine, but it is now with them to say whether they will vote to adopt the greatest reform since the Reed rules, or whether for some unexplained and unexplainable reasons they will oppose it. Mr. Speaker, I trust that this resolution will be adopted. It is a worthy one.

It did not come as early as I would like, but it is here, and being here it will have my approval, and I trust it will receive the vote of every man in this House who wishes to transact the business before us in an orderly, careful manner, and the adoption of it will not make it necessary for us either to embarrass the Speaker or to deceive our constituents. [Applause.]

The SPEAKER. The question is on the adoption of the resolution.

Mr. DALZELL. Mr. Speaker, on that I demand the yeas and nays.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, I ask the yeas and nays.

Mr. DALZELL. I have already asked them.

Mr. CLARK of Missouri. Then we will be sure to have them.

The yeas and nays were ordered.

The question was taken; and there were—yeas 168, nays 163, answering "present" 2, not voting 53, as follows:

YEAS—168.

Acheson	Dawson	Howell, Utah	Overstreet
Allen	Denby	Howland	Parker
Andrus	Diekema	Hubbard, W. Va.	Parsons
Anthony	Douglas	Huff	Payne
Barchfield	Draper	Hull, Iowa	Perkins
Barclay	Durey	Humphrey, Wash.	Pollard
Bartholdt	Dwight	Jenkins	Porter
Bates	Edwards, Ky.	Jones, Wash.	Pray
Bede	Ellis, Oreg.	Kelifer	Prince
Bennet, N. Y.	Englebright	Kennedy, Iowa	Reeder
Bennett, Ky.	Fairchild	Kennedy, Ohio	Reynolds
Bingham	Fassett	Knapp	Roberts
Bonyne	Focht	Knopf	Rodenberg
Boutell	Foelker	Knowland	Scott
Brownlow	Fordney	Lafean	Slomp
Burke	Foss	Landis	Smith, Cal.
Burleigh	Foster, Ind.	Langley	Smith, Iowa
Burton, Del.	Foster, Vt.	Lanling	Smith, Mich.
Butler	Foulkrod	Law	Snapp
Calder	French	Lawrence	Southwick
Calderhead	Fuller	Longworth	Sperry
Campbell	Gaines, W. Va.	Loud	Stafford
Capron	Gardner, Mich.	Loudenslager	Sterling
Cassel	Gardner, N. J.	McCall	Stevens, Minn.
Caulfield	Gilham	McCreary	Sturgiss
Chaney	Gillett	McGuire	Sulloway
Chapman	Goebel	McKinley, Ill.	Swasey
Cocks, N. Y.	Graft	McKinney	Tawney
Cole	Graham	McLaughlin, Mich.	Thistlewood
Conner	Greene	McMillan	Thomas, Ohio
Cook, Colo.	Guernsey	McMorran	Tirrell
Cook, Pa.	Haggott	Madden	Townsend
Cooper, Pa.	Hale	Malby	Vreeland
Coudrey	Hamilton, Mich.	Mann	Wanger
Cousins	Harding	Martin	Washburn
Crumpacker	Haskins	Miller	Weeks
Currier	Hawley	Moon, Pa.	Wheeler
Cushman	Henry, Conn.	Moore, Pa.	Wilson, Ill.
Dalzell	Higgins	Mudd	Wood
Darragh	Hill, Conn.	Needham	Woodyard
Davidson	Holliday	Nye	Young
Dawes	Howell, N. J.	Olmsted	The Speaker

NAYS—163.

Adair	Carlin	Esch	Gregg
Adamson	Carter	Estopinal	Griggs
Aiken	Cary	Favrot	Gronna
Alexander, Mo.	Clark, Mo.	Finley	Hackney
Ashbrook	Clayton	Fitzgerald	Hamilton, Iowa
Barnhart	Cockran	Flood	Hamlin
Bartlett, Ga.	Cooper, Tex.	Fornes	Hammond
Beall, Tex.	Cooper, Wis.	Foster, Ill.	Hardwick
Booher	Cox, Ind.	Fowler	Hardy
Bowers	Craig	Fulton	Harrison
Boyd	Cravens	Gaines, Tenn.	Haugen
Brantley	Crawford	Gardner, Mass.	Hay
Brodhead	Davenport	Garner	Hayes
Broussard	Davis	Garrett	Heflin
Brundidge	De Armond	Gill	Helm
Burgess	Denver	Gillespie	Henry, Tex.
Burnett	Dixon	Glass	Hepburn
Byrd	Edwards, Ga.	Godwin	Hill, Miss.
Caldwell	Ellerbe	Goldfogle	Hinsaw
Candler	Ellis, Mo.	Gordon	Hitchcock

Hobson	Lindbergh	Peters	Small
Houston	Livingston	Pujo	Spight
Howard	Lloyd	Rainey	Stanley
Hubbard, Iowa	Loving	Randell, Tex.	Steenerson
Hughes, N. J.	McDermott	Randell, La.	Stephens, Tex.
Hull, Tenn.	McHenry	Rauch	Sulzer
Humphreys, Miss.	McLain	Richardson	Talbot
James, Olie M.	Macon	Robinson	Taylor, Ala.
Johnson, Ky.	Madison	Rothermel	Thomas, N. C.
Johnson, S. C.	Marshall	Rucker	Tou Velle
Jones, Va.	Moon, Tenn.	Russell, Mo.	Underwood
Kelther	Moore, Tex.	Russell, Tex.	Volstead
Kimball	Morse	Ryan	Waldo
Kinkaid	Murdock	Sabath	Wallace
Kipp	Murphy	Saunders	Watkins
Kitchin, Claude	Nelson	Shackleford	Webb
Lamb	Nicholls	Sheppard	Wiley
Lee	Norris	Sherley	Willitt
Lenahan	O'Connell	Sherwood	Williams
Lever	Padgett	Sims	Wilson, Pa.
Lewis	Page	Slayden	

ANSWERING "PRESENT"—2.

Goulden

Riordan

NOT VOTING—53.

Alexander, N. Y.	Floyd	Lindsay	Reid
Ames	Hackett	Lorimer	Rhinock
Ansberry	Hall	Lowden	Sherman
Bannon	Hamill	McGavin	Smith, Mo.
Bartlett, Nev.	Hughes, W. Va.	McKinlay, Cal.	Smith, Tex.
Beale, Pa.	Jackson	McLachlan, Cal.	Sparkman
Bell, Ga.	James, Addison D.	Maynard	Taylor, Ohio
Birdsall	Kahn	Mondell	Watson
Bradley	Küstermann	Mouser	Weems
Burleson	Lamar, Fla.	Olcott	Weisse
Burton, Ohio	Lamar, Mo.	Patterson	Wolf
Clark, Fla.	Lassiter	Pearre	
Driscoll	Leake	Pou	
Ferris	Legare	Pratt	

The SPEAKER directed that his name be called, and when his name was called he answered "aye."

The Clerk announced the following additional pairs:

On this vote:

Mr. BRADLEY in favor with Mr. GOULDEN against.

Further notice:

Mr. TAYLOR of Ohio with Mr. SMITH of Texas.

Mr. BEALE of Pennsylvania with Mr. ANSBERRY.

Mr. BIRDSALL with Mr. BELL of Georgia.

Mr. DRISCOLL with Mr. BURLESON.

Mr. HALL with Mr. LEGARE.

Mr. KAHN with Mr. FERRIS.

Mr. KÜSTERMANN with Mr. HACKETT.

Mr. MCGAVIN with Mr. LASSITER.

Mr. MCKINLAY of California with Mr. LEAKE.

Mr. MCLACHLAN of California with Mr. MAYNARD.

Mr. MONDELL with Mr. PATTERSON.

Mr. LORIMER with Mr. WEISSE.

Mr. LOWDEN with Mr. POU.

Mr. MOUSER with Mr. PRATT.

Mr. OLCOTT with Mr. RHINOCK.

Mr. PEARRE with Mr. REID.

Mr. WATSON with Mr. SMITH of Missouri.

The SPEAKER. Upon this vote the yeas are 168, the noes are 163, present 2. The yeas have it, and the resolution is agreed to.

Mr. HEPBURN. Mr. Speaker, I move a recapitulation—Mr. CLARK of Missouri. Mr. Speaker, I call for a recapitulation of the vote.

The SPEAKER. There is no necessity for a recapitulation.

Mr. CLARK of Missouri. Inasmuch as the vote was close, I ask for a recapitulation of the vote.

The SPEAKER. The gentleman has no right to demand a recapitulation of the vote.

Mr. CLARK of Missouri. I thought that was the right of every Member of the House.

The SPEAKER. It is not the right.

Mr. CLARK of Missouri. Mr. Speaker, with due respect, I appeal from the decision of the Chair.

The SPEAKER. The Chair declines to entertain the appeal. [Cries of "Regular order!"]

The SPEAKER. But, if the gentleman from Missouri has reason to believe that a recapitulation of the roll may show a different result that would change the vote, the Chair will take that statement into consideration, it being discretionary with the Chair, as is shown by all the precedents.

Mr. CLARK of Missouri. There is only a difference of six votes and—

Mr. HEPBURN. Is it not the usage of the House to grant this request?

The SPEAKER. It is not the usage of the House.

Mr. HEPBURN. I never in twenty-two years heard it denied once.

The SPEAKER. There are many things that the gentleman from Iowa has not heard either affirmed or denied, but the

Chair, in the discretion of the Chair, will order a recapitulation of the vote, although if it should appear to-morrow that there was an error that would change the result all the proceeding would fall.

Mr. CLARK of Missouri. Well, there is a very large vote, and I ask the privilege of a recapitulation.

The SPEAKER. The Chair will read—

A Member may not, as a right, demand the recapitulation of a ye-and-nay vote, but if the vote be close the Speaker usually orders it.

[Applause.]

The usage as to a recapitulation of a ye-and-nay vote does not permit it to be done after the announcement of the result except by unanimous consent. There is no rule or practice requiring a recapitulation of the names of those who appeared on a call of the House after their names have been called.

There is the matter in a nutshell, and now the Chair, sooner than have a shadow cast upon the use of the discretion that is lodged in the Chair under the rules of the House and the uniform practices of the House, will direct the Clerk to recapitulate the vote. [Applause.]

The vote was recapitulated.

Mr. GORDON. Mr. Speaker, I did not hear my name called.

The SPEAKER. The gentleman is recorded in the negative.

Mr. GORDON. That is right.

Mr. EDWARDS of Georgia. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. EDWARDS of Georgia. I wish to find out how Mr. AMES is recorded as voting.

The SPEAKER. He did not vote.

Mr. EDWARDS of Georgia. Thank you.

The SPEAKER. There being no change the vote will stand as announced by the Chair. [Loud applause.]

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I call up the conference report on the fortifications appropriation bill (H. R. 27054).

The SPEAKER. The gentleman from Iowa calls up the conference report on the fortifications appropriation bill. Is this a complete report?

Mr. SMITH of Iowa. The report is very brief. There is no statement, so let the report be read.

The SPEAKER. The Clerk will read the report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

WALTER I. SMITH,
JOSEPH V. GRAFF,
SWAGAR SHERLEY,

Managers on the part of the House.

GEORGE C. PERKINS,
F. E. WARREN,
B. R. TILLMAN,

Managers on the part of the Senate.

Mr. SMITH of Iowa. Mr. Speaker, the Senate made one amendment to this bill. The conference report shows that the Senate has receded from that one amendment and has agreed to the conference report on the bill as it passed the House. I move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I submit the final conference report on the naval appropriation bill (H. R. 26394), and ask unanimous consent that the statement may be read in lieu of the report.

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes,

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 58 and 59.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,

Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the third and final conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

The Senate in receding from its amendment No. 58 restores to the bill the proviso "that no part of the above appropriation shall be used for the payment of the construction of any collier the total cost of which shall exceed \$900,000."

The Senate in receding from amendment No. 59 strikes from the bill the following:

"That there shall be kept, in the discretion of the President, as far as practicable, one-half of the navy of the United States on the Pacific at all times."

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,

Managers on the part of the House.

Mr. FOSS. Mr. Speaker, I wish to state that the bill as agreed upon carries \$136,935,199.05. I move the adoption of the report.

The question was taken, and the conference report was agreed to.

ADDITIONAL JUDGES, HAWAII.

Mr. CLAYTON. Mr. Speaker, I ask for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House concurrent resolution 75.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives H. R. 21896, Sixtieth Congress, an act to amend section 86 of an act to provide a government for the Territory of Hawaii, and to provide for additional judges, and for other judicial judges.

Mr. CLAYTON. Just one word in explanation, Mr. Speaker. By inadvertence the figure "8" was used in the bill instead of the figure "9." That would make a judge down in Hawaii under this bill draw a salary for 1908 that he is not entitled to draw. He would be entitled to draw it in 1909. It is merely to correct that error in the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I submit the conference report on the bill (H. R. 26915), making appropriation for the support of the army for the fiscal year ending June 30, 1910, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 6, 7, 11, 12, 13, 15, 18, 19, 24, 30, 51, 52, 58, 59, and 60.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 8, 9, 14, 16, 17, 20, 21, 22,

23, 25, 26, 27, 28, 29, 31, 33, 34, 34½, 36, 37, 38, 39, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56, and 62, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Insert at the beginning of said amendment the words "Provided further," so that the amendment will read: "Provided further, That the act approved May eleventh, nineteen hundred and eight, for the support of the army for the fiscal year ending June thirtieth, nineteen hundred and nine, in so far as it relates to the payment of six months' pay to the widow of an officer or enlisted man, etc., be amended as follows: Strike out the words 'contracted in the line of duty,' and insert in lieu thereof the words, 'not the result of his own misconduct;'" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "three million five hundred thousand;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one hundred thousand;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert: "seventy-seven thousand one hundred;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In line 14 of said amendment, strike out the colon and the words "And provided," and strike out all of lines 15, 16, 17, and to the period in line 18, so that the amendment will read: " : *Provided further*, That of the foregoing total amount eighteen thousand dollars, or so much thereof as may be necessary, shall be immediately available for the purchase of one thousand four hundred acres of land, more or less, adjoining the military reservation of Fort D. A. Russell, Wyo., as an addition to the rifle range: *And provided further*, That three thousand six hundred dollars of the foregoing total amount, or so much thereof as may be necessary, shall be immediately available for the purchase of the southeast quarter of the northwest quarter and the east half of section two, in township one south, range one east of the Salt Lake meridian, as an addition to the target range of Fort Douglas Military Reservation, in the State of Utah;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 8 of said amendment strike out the words "upon consideration of all the circumstances," and the commas preceding and following the same, so that the amendment will read: "The Secretary of War is hereby authorized to convey to the owners of premises which encroach upon the military reservation of Fort Marion, in the city of St. Augustine, Fla., all the right, title, and interest of the United States in and to the portions of the reservation which have been occupied by them, under license or claim of title, upon the payment by said owners of such sums of money as the Secretary of War shall determine proper to be paid for the said lands;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 12 of said amendment strike out the word "provided" and insert the words "appropriated, to be expended from the amount appropriated in this act for water and sewers at military posts;" so that the amendment will read: "For the acquiring of water rights and necessary lands therewith connected for a permanent water supply for Fort William Henry Harrison, in Montana, the amount of twenty thousand dollars appropriated therefor by the act approved May eleventh, nineteen hundred and eight, entitled 'An act making appropriation for the support of the army for the fiscal year ending June thirtieth, nineteen hundred and nine,' is hereby reappropriated and made available, and forty thousand dollars additional, or so much thereof as may be necessary for said purposes, including the acquiring of water rights and lands for intakes and right of way for pipe lines from such intakes to said fort, is hereby appropriated, to be expended from the amount appropriated in this act for water and sewers at military posts; and the Secretary of War is hereby author-

ized to acquire such rights and lands by purchase or by condemnation proceedings;" and the Senate agree to the same.

J. A. T. HULL,

JAMES HAY,

Managers on the part of the House.

F. E. WARREN,

J. B. FORAKER,

JAS. P. TALIAFERRO,

Managers on the part of the Senate.

STATEMENT.

Statement on the part of the House conferees on the act making appropriation for the support of the army for the fiscal year ending June 30, 1910:

Amendment No. 1 authorizes the organization of school detachments at each of the service schools without increasing the number of enlisted men in the army; and the House recedes.

Amendment No. 2 provides for contingent expenses at military posts; and the Senate recedes.

Amendment No. 3 changes the word "defense" to "artillery;" and the House recedes.

Amendment No. 4 provides for a buzzer system at Fort D. A. Russell; and the House recedes.

Amendment No. 5 increases the appropriation for officers of the line; and the Senate recedes.

Amendment No. 6 relates to payments to officers for exercising higher command; and the Senate recedes.

Amendment No. 7 increases the pay for length of service; and the Senate recedes.

Amendment No. 8 increases the appropriation for pay of enlisted men; and the House recedes.

Amendment No. 9 increases the pay for length of service of enlisted men; and the House recedes.

Amendment No. 10 relates to six months' pay to families of deceased officers and enlisted men; and the House recedes and agrees to the same with an amendment.

Amendment No. 11 provides for a private secretary to the Chief of Staff; and the Senate recedes.

Amendment No. 12 is a total; and the Senate recedes.

Amendment No. 13 increases the appropriation for the Medical Department; and the Senate recedes.

Amendment No. 14 provides for a second examination after one year for officers of the Medical Corps of the grade of major who failed in their examination. The House recedes from its disagreement.

Amendment No. 15 provided for equalization of promotion and granted certain files on the retired list to officers who had suffered loss by regimental promotion; and the Senate recedes.

Amendments Nos. 16 and 17 provide for extra pay for retired officers when on active service; and the House recedes from both amendments.

Amendment No. 18 provided that service as a contract surgeon in the civil war should have the same effect on promotion as service in the line or staff; and the Senate recedes.

Amendment No. 19 is in relation to pay of enlisted men on the retired list; and the Senate recedes.

Amendment No. 20 relates to mileage to officers and contract surgeons; and the House recedes.

Amendments Nos. 21 and 27, relating to officers of the national guard attending service and garrison schools, is simply the elimination of the provision inserted by the House from one section of the bill and insertion of the same in another section of the bill; and the House recedes from both amendments.

Amendments Nos. 22 and 23 simply rearrange the language as adopted by the House; and the House recedes from both amendments.

Amendment No. 24 relates to encampments and maneuvers of the organized militia; and the Senate recedes.

Amendment No. 25 authorizes the appointment of noncommissioned officers at general recruiting depots; and the House recedes.

Amendment No. 26 provides for West Point cadets attending the inaugural ceremonies; and the House recedes.

Amendment No. 28 is verbal; and the House recedes.

Amendment No. 29 is the insertion of a comma; and the House recedes.

Amendment No. 30 relates to the purchase of horses for the army; and the Senate recedes.

Amendment No. 31 relates to removal of suspension of accounts for certain fiscal years, and as the department reports all accounts adjudicated, the House recedes from its disagreement.

Amendment No. 32 is the amount appropriated for barracks and quarters; and the House recedes and agrees to the same with an amendment fixing the amount at \$3,500,000.

Amendment No. 33 provides for the erection of a chapel at Fort Des Moines and for the completion of the stable at engineer post, Washington Barracks; and the House recedes.

Amendment No. 34 is an increase in the amount of the appropriation for transportation of the army and its supplies; and the House recedes.

Amendment No. 34½ inserts the words "and repair" in the provision for roads, walks, etc.; and the House recedes.

Amendment No. 35 increases the appropriation for roads, walks, etc.; and the House recedes from its disagreement and agrees to the same with an amendment making the increase \$100,000.

Amendment No. 36 relates to the completion of military and post roads, etc., in Alaska; and the House recedes.

Amendment No. 37 relates to barracks and quarters in the Philippine Islands. The Senate reduced the amount appropriated by the House one-half, and the House recedes from its disagreement and agrees to the amendment of the Senate.

Amendment No. 38 increases the appropriation for the construction and repair of hospitals; and amendment No. 39 appropriates the amount increased by the Senate for the construction of a hospital at Fort Yellowstone; and the House recedes from its disagreement to both amendments.

Amendments Nos. 40 and 41 relate to shooting galleries and ranges. The Senate increased the amount appropriated by \$82,100; \$5,000 of the increase was to be used at the United States rifle range and wharf at Pensacola, Fla. By an agreement of the conferees the provision for Pensacola, Fla., was stricken out and the amount of the increased appropriation reduced to \$77,100. The House recedes from both amendments and agrees to the same with the amendments above indicated.

Amendment No. 42 provides for storehouses on Corregidor Island; and the House recedes.

Amendment No. 43 relates to disbursements in the Quartermaster's Department and allows the use of the total available balance, under certain conditions, for payments; and the House recedes.

Amendment No. 44 makes all persons admitted to treatment in the Army and Naval Hospital at Hot Springs, Ark., subject to the rules and articles of the Army of the United States; and the House recedes.

Amendment No. 45 is an increase of expense at engineer depots; and the House recedes.

Amendment No. 46 relates to ammunition, targets, and target materials at educational institutions and state soldiers and sailors' orphans homes; and the House recedes.

Amendment No. 47 increases the appropriation \$30,000; and the House recedes.

Amendment No. 48 is an increase of the amount for national trophy and medals for rifle contests; and the House recedes.

Amendment No. 49 is simply a reappropriation for the unexpended balance for range finders and other instruments for fire control; and the House recedes.

Amendment No. 50 extends the appropriation for automatic rifles to June 30, 1911; and the House recedes.

Amendment No. 51 relates to ordnance contracts; and the Senate recedes.

Amendment No. 52 relates to sales of ordnance stores; and the Senate recedes.

Amendment No. 53 authorizes the Ordnance Department to use the funds in their hands, under certain restriction, and to apply to the Ordnance Department practically the same rule as provided under amendment No. 43 relating to the Quartermaster's Department; and the House recedes.

Amendment No. 54 simply provides as to the rank detailed officers shall take in the Ordnance Department; and the House recedes.

Amendments Nos. 55 and 62 relate to sales of ordnance stores to officers of the Navy and Marine Corps, and is same as passed by House. The Senate changed the section in the bill only; and the House recedes.

Amendment No. 56 is to authorize the acceptance by the Secretary of War of a strip of land at the Salisbury National Cemetery for sidewalk purposes. On account of the Government being compelled to make a new entrance to the cemetery to escape danger of passing trains, this seems necessary to complete the work heretofore authorized; and the House recedes.

Amendment No. 57 authorizes the Secretary of War to convey certain rights to an unused portion of the military reservation at the city of St. Augustine, Fla., on such terms as may be fixed by the Secretary of War; and the House recedes and agrees to same with an amendment.

Amendment No. 58 provides for the construction of a public road from a point near the southern end of the new Highway Bridge through the Arlington Reservation; and the Senate recedes.

Amendment No. 59 provides for the construction of a national road or highway in St. Louis County, Mo., from the national cemetery to Jefferson Barracks; and the Senate recedes.

Amendment No. 60 authorizes the acceptance of certain lands in Oklahoma for the Fort Sill Military Reservation; and the Senate recedes.

Amendment No. 61 relates to acquiring water rights and necessary land for a proper water supply for Fort William Henry Harrison, in Montana, and reappropriating the sum of \$20,000, with an amendment appropriating \$40,000 additional. The House recedes from its disagreement, and agrees to the same with an amendment providing that the \$40,000 herein appropriated shall be paid out of the amount appropriated by this act for water and sewers at military posts.

J. A. T. HULL,
JAMES HAY,

Conferees on the part of the House.

Mr. HULL of Iowa. Mr. Speaker, I want to call the attention of the House to the items that the Senate receded from in conference. They are as follows:

Contingent expenses at military posts.....	\$2,500.00
Pay of officers of the line.....	108,800.00
Longevity pay of officers of the line.....	32,780.00
Private secretary to Chief of Staff.....	2,400.00
Pay of officers in Medical Department.....	151,100.00
Pay of retired enlisted men.....	200,000.00
Encampment and maneuvers, organized militia.....	175,000.00
Barracks and quarters.....	500,000.00
Roads, walks, wharves, and drainage.....	50,000.00
Shooting galleries and ranges.....	5,000.00
Road from Highway Bridge to Arlington.....	44,000.00
National road from St. Louis to Jefferson Barracks.....	127,000.00
Water rights for Fort William Henry Harrison (specific appropriation dropped, but expenditure authorized from total appropriation for water and sewers at military posts).....	40,000.00
Total.....	1,438,580.00

Amount of bill as reported by conferees..... 101,197,470.34

Mr. LIVINGSTON. You did well.

Mr. HULL of Iowa. I think we did. We eliminated almost entirely all general legislation. The gentleman from New Jersey [Mr. PARKER], Mr. Speaker, did not sign the report on account of a disagreement, in his judgment, with one amendment that we agreed to, and I now yield ten minutes to the gentleman.

Mr. PARKER. Mr. Speaker, I recognize the responsibility of refusing to sign a conference report which in its main features is one of the best that was ever brought to this House. I find myself unable, as a matter of principle, to accede to the amendment of the Senate, No. 14, which creates in the Medical Department a new form of retired list, which is not based upon length of service, is not based upon age, and is not based upon physical disability. The amendment orders that majors in the Medical Corps who have twice failed in their medical examination shall be placed upon the retired list. Those who have failed are five in all. They are probably older than any majors will be hereafter, with the greater chances of promotion provided by the bill passed last year. One has five and one-half years still to serve; another has nine and a half years; another has ten; and the other two have thirteen years to serve before they are eligible for retirement; but if they shall fail to pass the new examination which is provided for them, they will have the right to go immediately upon the retired list. I thought it due to the House, as well as to myself, to bring this matter before them, believing that the House, no matter at what cost in holding up the bill at this stage, will refuse to create that sort of retired list.

I think I have time enough left to explain a little. The medical bill of last year created a system of examinations. It provided that lieutenants on their being promoted to captains—that is, after three years' service—should have an examination, and if they were turned down for mental failure, they were discharged with one year's pay, like all other officers of the army who apply for a promotion. The same was done with the captains. The majors are usually younger than in the line, and were likewise ordered to be examined; but in consideration of their longer service, and it being supposed they might be a little stale at examination, it was enacted that if they failed they should "mark time," so to speak, and remain majors and be debarr'd from promotion. It was found that some of these majors had been examined as to administration and regulations, rather than medical matters, so as to see if they were quali-

fied for command. They failed on these and asked another examination. I think they ought to have it. It is right they should have a chance, after long service, to be promoted if they pass their examination, and they should have a second chance. But, Mr. Speaker, we now have the proposition that if they should fail the second time they shall then be eligible to retirement that they have not earned by length of service, by age, or by physical disability incurred in service.

Now, the amendment as it appears as number 14 would be easily corrected. It says that they shall be retired without promotion. The House committee reported on the bill in this form that they ought to be discharged with a year's pay. Or we might have left the result just as it was, so that after the second examination they should continue to serve out their time as majors without promotion. I myself thought that would be agreed to. Or we might have arranged that if retired they should be retired on a percentage of their pay, based on length of service; for example, if twenty-five years, at a 2 per cent rate the officer would receive 50 per cent instead of 75 per cent of his last pay. But I can see no reason why we should put a premium upon unwillingness to study or on a desire to get out of the service which will allow an officer to demand retirement at 75 per cent of his pay simply because he shall have refused or failed to pass a second examination. I think it is due to this House to bring this matter before them and to object to the adoption of the conference report. [Applause.]

Mr. HULL of Iowa. I will yield eight minutes to the gentleman from Missouri [Mr. BARTHOLDT]. I think he can give us all the information on the boulevard in eight minutes' time.

Mr. BARTHOLDT. Mr. Speaker, when this bill came back from the Senate it carried a provision for a highway connection between the city of St. Louis and our great national cemetery. That item was stricken out in conference. It had been adopted, after a full and free discussion, by the Senate, and the present is the only opportunity to take the judgment of the House upon it. It can only be reinserted by voting down the conference report, and I trust such action will be taken after the House has listened to my statement.

At an expense of hundreds of thousands of dollars the city of St. Louis is extending its principal boulevard in the direction of Jefferson Barracks and to within a short distance of the very gate of that military reservation; but unless Congress provides for the construction of an additional 3 miles of road, leading up to and through the government reservation to the national cemetery, both the barracks and the cemetery will remain as they are now, practically inaccessible except by rail. From every viewpoint, strategy as well as national obligation, a better and immediate connection between St. Louis and those government reservations is extremely necessary, and now that the municipality is meeting this great necessity to the very limit of its territorial jurisdiction, it would be an unpardonable sin of omission if the Government refused to contribute what is legitimately its share of the needed improvement.

The distinguished chairman of the Committee on Military Affairs will no doubt claim that this item has been cut out in pursuance of a policy. But what kind of a policy is it, Mr. Speaker, that will compel soldiers in marching from the city limits to their reservation or in the opposite direction to use the rail-covered roadway of a private corporation? If this is a policy, it is a bad policy, and one unworthy of our great Government. And let me ask, further, what kind of a newfangled doctrine is it which will make it impossible for the living to pay reverence to the Nation's heroic dead by the Government refusing, on its own territory, to make accessible their last resting place? Let the House answer as, after an extended discussion, the Senate has done, and then the Military Committee will have a policy more in harmony both with the dignity and honor of the Government and the true sentiment of the American people.

From time immemorial it has been the policy of the Government to build roadways leading to national cemeteries. From the immediate vicinity of St. Louis alone I can cite three precedents. The Government built a roadway $4\frac{1}{2}$ miles in length and at a cost of \$125,000 from Mound City, Ill., to the national cemetery; a national road 3 miles long was built from Springfield, Mo., to the national cemetery, at a cost of about \$100,000; and the Government, at an expense of \$60,000, built a national road, of $1\frac{1}{2}$ miles in length, from Fort Scott, Kans., to the national cemetery. By authority of Congress this policy has never been changed, and on behalf of my constituents I protest against its arbitrary change now.

There are many similar cases, I am told, demanding the attention of Congress, and that was the reason assigned to me why the bill I had introduced for this roadway was not accorded consideration by the Committee on Military Affairs. I

know little or nothing of the merits of the other cases, but I venture to say there is none more meritorious than this proposition to provide access of the people of a large city like St. Louis to both a military reservation and a national cemetery at the same time.

The topographical location of Jefferson Barracks and its national cemetery is one of the most ideal of the western country. From their elevation on the bluffs of the Mississippi you look down into the waters of that mighty river washing the rocks which form the indestructible foundation of these government grounds, and as your vision extends farther east, and beyond the river, you can see far into the fertile plains of Illinois, while south and west are stretched the fields and fruit gardens of the thrifty farmers of St. Louis and Jefferson counties. And looking north you behold the great metropolis of Mississippi Valley at your feet stretching out its steadily growing arms toward these reservations. You can almost discern with bare eyes the historic spots where, on the 10th of May, 1861, those great events occurred which saved Missouri to the Union. Three or four regiments, mostly composed of Germans, marched to Camp Jackson, on the outskirts of the city, captured the camp, made all the garrison prisoners, and afterwards took the United States arsenal. It was then the fate of the Nation was hanging in the balance; but on the day after, when the news of these historical events reached the White House, the sad face of Abraham Lincoln was brightened by a ray of hope, and millions of loyal Americans heaved a sigh of relief with him. To-day we know that the valiant moves I have just described have actually contributed very largely toward turning the scales in favor of an undivided country.

The Nation has never expressly recognized the unwavering loyalty and patriotism of those sturdy citizens until to-day we have a fit opportunity to do so. Many of the 12,000 soldiers who have found their last resting place in the national cemetery at Jefferson Barracks were actual participants in the early engagements which saved Missouri to the Union, and while they are beyond the reach of our gratitude, let us at least do honor to the heroic dead by enabling the living generation to pay tribute to their memory on the spot where they sleep their last sleep. True, they wore the blue; but to-day the blue and the gray join hands in asking this consideration from the National Government, and in advocating the action I do I am voicing an appeal of all the living on behalf of those who laid down their lives that the Union might live.

Mr. HULL of Iowa. This bill and amendment simply provides that at the expiration of a year they may take a second examination if they fail, and that instead of being held up marking time they shall be placed on the retired list.

Now, on the road proposition we have before the Committee on Military Affairs roads to the national cemeteries and grounds aggregating in amount over \$750,000. For the last eighteen years the policy of that committee has been against building roads outside of the reservation. It is true some roads were built through the Committee on Appropriations putting it on bills without a point of order being made against it. Now it is asked that the Government of the United States assume liabilities of \$750,000, which does not include the \$147,000 asked for by St. Louis.

I want to call the attention of the House to a telegram I received from the business men of St. Louis on this proposition. It is dated February 25, 1900:

Hon. J. A. T. HULL,
House of Representatives, Washington, D. C.:

The Business Men's League of St. Louis, which represents the merchants, manufacturers, and financial concerns of the city, have worked for two years to secure the congressional approval of Jefferson Barracks road plan. It is part of proposed boulevard system essential to city's improvement. St. Louis itself is to spend large sum of money on the plan. Sincerely hope you will assent to amendment proposed by Senators WARNER and STONE and urged by Mr. BARTHOLDT. We shall be grateful.

JAS. E. SMITH,
President Business Men's League.

There is not a word in the dispatch that claims it is for the best interest of the Federal Government, but that it is a part of the city's plan for the boulevard improvement. This is signed by Gen. James E. Smith, president of the Business Men's League.

Now, if we were to yield to all the propositions connected with national cemeteries in the cities of the United States there is no telling where we would stop. It is not a fair proposition when a great institution is located next to a city to come to Congress and ask us to build a road for people to travel over as a part of any system.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. HULL of Iowa. I will yield for a question.

Mr. BARTHOLDT. The gentleman has read a telegram from the Business Men's League. If he has paid attention to what I said I would like to ask him whether he would believe me or the Business Men's League?

Mr. HULL of Iowa. The gentleman from St. Louis is always honest, is always eloquent, and always earnest when St. Louis is involved. [Laughter.]

Mr. BARTHOLDT. Mr. Speaker, I merely want to call the attention of the House to the fact that we ask a road through the military reservation to the national cemetery.

Mr. HULL of Iowa. Let me call the gentleman's attention to the fact that under the present law we make a large appropriation for roads on our own ground, and if we owned the land to the point that the gentleman wants the road the Quartermaster-General has the power under the law to build it.

Mr. BARTHOLDT. Why does he not build it?

Mr. HULL of Iowa. He says that we do not need it. You have to come to Congress to get a road built outside of the military reservation.

Mr. SLAYDEN. Mr. Speaker, I would like to ask the chairman of the committee with reference to this amendment touching the medical corps made by the Senate. Is it true that if that amendment is adopted and these gentlemen who have served far short of the thirty years or forty years that usually precede retirement should be found deficient on the second examination that then they will be retired and for the balance of their lives, no matter how brief their services may be, they will receive three-quarters pay?

Mr. HULL of Iowa. They would without doubt, but when the gentleman says "far short of thirty years" he is in error. There are only four or five men involved, and one will pass the thirty years' service in the next year.

Mr. SLAYDEN. May there not be more coming?

Mr. HULL of Iowa. Of course, but no man will come up for a lieutenant colonelcy until he has been twenty-five years in the service. A man at thirty years has a right to be put on the retired list. When it was suggested cutting down the amount of the retired list, we were assured that if that was adopted no board would retire a man.

Mr. SLAYDEN. I strongly favored the amendment for the Medical Corps, for it is in the interest of the people and the service. It was a rigid law. It required examinations to develop the skill, the capacity, the fitness of the surgeons of the army. It did what we expected it would do. It developed on the first examinations held after the law was enacted that some gentlemen doing service as medical officers could not meet the requirements. Immediately, as seems to be the case in the operation of all military laws, after these gentlemen had fallen through on the examination and had been found deficient under the requirements of the law, the personal equation came into play, and their friends took steps to have the law repealed. I think that is an unwise thing to do, but I question whether at this hour we can now afford to vote down a conference report, which brings us to an agreement on a bill that on the whole is an excellent one. I strongly disapprove of the Senate amendment in respect to the Medical Corps. Nevertheless, I feel that under the circumstances I should vote for the adoption of the conference report.

Mr. HULL of Iowa. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question now is on the adoption of the conference report.

The question was taken; and on a division, demanded by Mr. BARTHOLDT, there were—ayes 150, noes 32.

So the conference report was agreed to.

BUILDING ASSOCIATIONS IN DISTRICT.

The SPEAKER laid before the House the bill (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law of the District of Columbia.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked by the Senate.

Mr. SIMS. Mr. Speaker, to what part of the bill does the Senate disagree?

Mr. SMITH of Michigan. As I understand, to the last amendment, to the third amendment.

Mr. SIMS. That is 691?

Mr. SMITH of Michigan. Yes; 691A.

Mr. SIMS. Requiring building associations to make a deposit?

Mr. SMITH of Michigan. Yes.

Mr. SIMS. That was a matter of contention or semicontention in the House.

The SPEAKER. The question is on the motion of the gentleman from Michigan, that the House insist on its amendment and agree to the conference.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees on the part of the House:

Mr. SMITH of Michigan, Mr. MOORE of Pennsylvania, and Mr. BRODHEAD.

PENSIONS.

The SPEAKER laid before the House the bill (H. R. 27049) granting pensions and increase of pensions, with Senate amendments thereto.

The Senate amendments were read.

Mr. SULLOWAY. I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House the bill (H. R. 27249) granting pensions and increase of pensions, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House the bill (H. R. 27469) granting pensions and increase of pensions, etc., with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House the bill (H. R. 27974) granting pensions and increase of pensions, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

CONFERENCE REPORT.

Mr. LOUDENSLAGER. Mr. Speaker, I present a conference report upon the bill S. 8899, an act granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 8899) granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

H. C. LOUDENSLAGER,

WM. H. DRAPER,

WILLIAM RICHARDSON,

Managers on the part of the House.

P. J. MCCUMBER,

N. B. SCOTT,

JAS. P. TALIAFERRO,

Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

Statement to accompany report of committee of conference on disagreeing vote of the two Houses on S. 8899, an act granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

This bill as it originally passed the Senate contained a provision granting an increase of pension to Caloway G. Tucker, but said bill was amended in the House by striking out said provision, and the Senate disagreed to said amendment.

After full conference the Senate recedes from its disagreement to the amendment of the House, and agrees to the same.

H. C. LOUDENSLAGER,

WM. H. DRAPER,

WILLIAM RICHARDSON,

Managers on the part of the House.

Mr. LOUDENSLAGER. Mr. Speaker, I move the adoption of the conference report.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 28047. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 27974. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27469. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27249. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 27049. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 28167. An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I submit the conference report on the legislative, executive, and judicial appropriation bill.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have been unable to agree.

HENRY H. BINGHAM,

F. H. GILLET,

L. F. LIVINGSTON,

Managers on the part of the House.

F. E. WARREN,

J. A. HEMENWAY,

H. M. TELLER,

Managers on the part of the Senate.

Mr. BINGHAM. Mr. Speaker, in order that the House may be fully informed, the Senate has insisted upon every one of their amendments. Your House conferees carried out in perfect faith the instructions of the House. We have disagreed, and the bill comes back to you just as it left the House with your instructions to the conferees. For the better information of the House, without reference to either the report or pages of the bill, I shall move, should there be such a necessity for a detailed number of the amendments, that the House further insist on its disagreement to the amendment numbered 46, increasing the salary of the Speaker of the House; to further insist on its amendments to the amendments of the Senate numbered 60 and 61, fixing the salary of the President at \$75,000 instead of \$100,000 as proposed by the Senate; that the House further insist on its disagreement to the amendments of the Senate numbered 62 and 63, increasing the salary of the Vice-President; that the House further insist on its disagreement to the amendment of the Senate numbered 64, providing for an Undersecretary of State, at \$10,000; that the House further insist on its disagreement to all of the remaining amendments of the Senate which relate to certain additional employees in the State Department and increasing the salaries of the United States judges. I can only say to the House that your conferees are willing, desirous, that the House do act upon every one of those amendments, and in the debate I would suggest a direction in reference to the amendment that the gentleman desires to submit here, and an acceptance of our disagreement.

The statement is made in the report of your conferees that the House has disagreed and that the Senate refuses to accept any proposition from the House.

Mr. LIVINGSTON. Will the gentleman allow me a moment or two?

Mr. BINGHAM. Mr. Speaker, I make this motion: On the first amendment, that the House further insist on its disagreement to amendment No. 46, increasing the salary of the Speaker.

Mr. MANN. Mr. Speaker, will the gentleman yield for a minute?

Mr. BINGHAM. With pleasure.

Mr. MANN. Why is it not a simpler matter for the House to adhere to its disagreement?

Mr. BINGHAM. I would be glad if the House would.

Mr. GILLET. Will the gentleman allow me?

Mr. MANN. Certainly.

Mr. GILLET. Mr. Speaker, it seems to me to adhere might delay matters. My impression of the present status is this: I believe it is not proper to reveal anything that transpires in conference, but I have a suspicion that the Senate felt that the House, with a chance to vote again to-day on some of these propositions, might change its mind, and that for that reason the Senate was not willing to yield.

I think if the House now takes one or two votes showing that it is of the same opinion still and then lets the bill go back to conference, I am inclined to think that an agreement will speedily be reached and a complete agreement, and it seems to me it would be wise to adopt that course.

Mr. LIVINGSTON. Will the gentleman yield for a moment?

Mr. BINGHAM. Certainly.

Mr. LIVINGSTON. Mr. Speaker, we have voted on one or two of these amendments and the House has clearly indicated its will. My opinion is that if we let this conference report lie until about Wednesday we will get a settlement that will satisfy perhaps this side of the Capitol.

Mr. HENRY of Texas. Suppose we refuse a conference now, will it not have the effect indicated by the gentleman from Massachusetts?

Mr. LIVINGSTON. I would not ask for a conference again.

Mr. HENRY of Texas. Why not move to refuse?

Mr. HULL of Iowa. If the House votes to adhere, that is notice to the Senate, apparently, that the House will not yield.

Mr. LIVINGSTON. Mr. Speaker, I move as a substitute to the motion of the gentleman from Pennsylvania [Mr. BINGHAM] that the House adhere to its disagreement to all of the amendments.

The SPEAKER. What is the amendment of the gentleman?

Mr. BINGHAM. That the House further insist on its disagreement to amendment No. 46, increasing the salary of the Speaker.

Mr. LIVINGSTON. My substitute is, Mr. Speaker, that the House adhere to its disagreement.

The SPEAKER. The vote would have to be taken, first, on the motion to insist, and, second, on the motion to adhere, if the former motion is voted down.

The question is on the motion of the gentleman from Pennsylvania [Mr. BINGHAM].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 150, noes 8.

So the motion was agreed to.

Mr. LIVINGSTON. A parliamentary inquiry, Mr. Speaker. Does that send it back to the conference without any further legislation here?

The SPEAKER. This is a motion to further insist on the disagreement to the amendment indicated. Several motions remain to be disposed of.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. What is the amendment, Mr. Speaker?

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 11, after "dollars," insert "provided that the salary of the Speaker of the House of Representatives after March 3, 1909, shall be \$15,000."

Mr. SULZER. Mr. Speaker, I am in favor of that, and I desire to be recorded as in favor of it.

The SPEAKER. That will make the vote in the affirmative 151.

Mr. BINGHAM. Mr. Speaker, I move that the House insist on its amendment to the amendments of the Senate Nos. 60 and 61, fixing the salary of the President at \$75,000 a year instead of \$100,000 as proposed by the Senate. I ask for a vote.

The SPEAKER. The gentleman from Pennsylvania moves that the House do further insist on its disagreement to the Senate amendments Nos. 60 and 61. The Clerk will report the two amendments.

The Clerk read as follows:

Amendment numbered sixty: Page 37, line 14, strike out "fifty" and insert "seventy-five."

Amendment numbered sixty-one: Page 37, line 14, after "dollars," insert:

"This sum to include all transportation expenses now otherwise provided for by law, and after the 3d of March, 1909, the compensation of the President of the United States shall be \$75,000 per annum."

The SPEAKER. As the Chair understands it, that is a concurrence in the Senate amendment with an amendment?

Mr. MANN. A parliamentary inquiry.

Mr. BINGHAM. The motion is to further insist.

Mr. KEIFER. I think there is some misunderstanding.

Mr. MANN. The Senate has disagreed to the amendment of the House to the Senate amendment, and this is a motion—

The SPEAKER. And the motion is, then, that the House do further insist?

Mr. MANN. Upon its amendment to the Senate amendment.

Mr. BINGHAM. To further insist, taking the instruction of the House.

The SPEAKER. The question is on the motion that the House further insist upon its amendment to the Senate amendments, which House amendment provides that the salary of the President shall be \$75,000.

The question was taken, and the motion was agreed to.

Mr. BINGHAM. Mr. Speaker, I move that the House do further insist on its disagreement to the amendments of the Senate Nos. 62 and 63, increasing the salary of the Vice-President. I call for a vote.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amendment No. 62: Page 37, line 16, strike out "twelve" and insert "fifteen."

Amendment No. 63: Page 37, line 16, after "dollars," insert "to take effect on March 4, 1909."

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. BINGHAM].

The question was taken and the motion was agreed to.

Mr. BINGHAM. Mr. Speaker, I have read them to the House, and I made the motion that the House insist upon all the remaining amendments.

The SPEAKER. The gentleman from Pennsylvania moves that the House do insist upon its disagreement to the remaining Senate amendments not already disposed of.

Mr. BINGHAM. And I wish to add to that, Mr. Speaker, also to agree to a conference.

Mr. MANN. Let this motion be by itself. I ask for a division.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House do insist on its disagreement to the remaining Senate amendments not disposed of.

The question was taken, and the motion was agreed to.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided, and there were—ayes 160, noes none.

So the motion was agreed to.

Mr. BINGHAM. Mr. Speaker, I now ask for a further conference.

The SPEAKER. The gentleman from Pennsylvania moves that the House do assent to a further conference with the Senate.

Mr. FITZGERALD. I suggest to the gentleman what is the necessity for a conference?

Mr. GILLET. I think it would be wise, Mr. Speaker, to have a conference. I think a final agreement will be made after the decisive vote that has been given by the House.

Mr. FITZGERALD. Has the gentleman in mind a compromise on some of these amendments?

Mr. GILLET. That remains to be seen.

Mr. FITZGERALD. I wish to know if the gentleman can indicate what it is?

Mr. GILLET. I do not know.

Mr. FITZGERALD. But I think the House ought to know something about it. Has the gentleman a compromise in his mind to make on some of these amendments?

Mr. GILLET. I have a compromise in my own mind that I should like to see effected.

Mr. FITZGERALD. Does it include those new officers for the Secretary of State?

Mr. GILLET. I do not think I am called upon to give my opinion as to what can be accomplished.

Mr. FITZGERALD. I am trying to ascertain the views of the conferees. I want to know if it is the purpose to get the Senate to recede on some conditions.

Mr. LIVINGSTON. I want to say to the gentleman from New York that, so far as I am concerned, there is no compromise proposed nor no compromise understood to be acceptable.

Mr. FITZGERALD. I did not understand that the gentleman from Georgia would be taken into the confidence of the managers.

Mr. GILLET. I think after this pronounced vote, unanimous almost on all the items, that the Senate conferees ought to be prepared to concede a great deal. Now, the gentleman means, I take it, that there is a scheme by the conferees to secure some compromise, but I think if the House will allow it to go into conference this way we can get a final agreement. I do not think we can go there successfully with the blunt assertion that the Senate must back down on practically all the items and that there is no possibility of our yielding anything, but it is our purpose to have a real conference and try to further agree.

Mr. FITZGERALD. As to these three items of the House, I am emphatic, and I wish the position of the House to be maintained. This is the third time that the bill has been in conference.

Mr. BINGHAM. The gentleman should not include the first conference. There we met with what was alleged to be a constitutional disability. There is no disposition, so far as the House conferees are concerned, to yield. We are asking the instruction of the House. In our discussion with the Senate we suppose that we may have to make some concession. I recognize one as to the President.

Mr. FITZGERALD. I wish to be perfectly frank. I am opposed utterly to the creation of the additional places in the office of the Secretary of State at this time, and if it is proposed to have the Senate yield on everything else and to practically purchase their agreement by conceding something to those places, I shall oppose that to the uttermost.

Mr. BINGHAM. The conferees feel that there is no necessity of instruction, after the almost unanimous vote, and we will make an effort to adjust the matter with the Senate.

Mr. FITZGERALD. There seems to be some doubt as to what is in the minds of the conferees.

Mr. PAYNE. I would suggest to my colleague the House already has practically unanimously insisted on disagreement. If he should make the motion to adhere, many Members of the House would vote against that motion, and it seems to me that it would weaken the House's position. Of course, when it comes in again a motion to adhere could be made. It would be better to leave it as it is with the unanimous vote that has been taken by the House.

Mr. MANN. Mr. Speaker, it seems to me the necessity for agreeing to the conference is the fact that the amendment as to the salary of the President is properly in conference. The Senate may accede to the amendment. But we are in a position where the Senate has disagreed and asked for a conference. We can not with due courtesy to the Senate refuse a conference on that item. We might have adhered to the other items, but I take it that the vote here, 160 to 0, disagreeing to all of the amendments relating to the salaries of judges and the additional places of the office of the Secretary of State, that the gentlemen who represent the House will represent the sentiment of the House and under no condition yield on those items. [Cries of "Vote!"]

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees: Mr. BINGHAM, Mr. GILLET, and Mr. LIVINGSTON.

PENSIONS OTHER THAN CIVIL WAR.

The SPEAKER laid before the House the bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors, with House amendment disagreed to by the Senate.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER. The Chair announces the appointment as conferees on the part of the House Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 28305. An act to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State and to detach it from the Fort Worth division of said court;

H. R. 28175. An act to amend section 4434 of the Revised Statutes of the United States, and for other purposes;

H. R. 24995. An act for the relief of Nathaniel Huntley;
H. R. 24327. An act to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880;

H. R. 21571. An act for the relief of John T. Freeman;
H. R. 21492. An act to authorize the sale of certain public lands;

H. R. 19655. An act providing for an additional judge for the southern district of New York, and for other purposes;

H. R. 15755. An act for the relief of J. C. Haggard, of White County, Tenn.;

H. R. 13928. An act for the relief of P. H. McDonough, of Bardstown, Ky.;

H. R. 9755. An act for the relief of Charles Lennig & Co.;

H. R. 8947. An act for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis.;

H. R. 8558. An act for the relief of R. J. B. Newcombe;

H. R. 8545. An act for the relief of Jackson Pryor;

H. R. 7048. An act for the relief of Henry A. Tolbert;

H. R. 4521. An act to reorganize and enlist the members of the United States Naval Academy Band; and

H. R. 2911. An act for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by U. S. dredge *Cumberland*.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 96.

Resolved by the Senate (the House of Representatives concurring). That, for a better understanding of the requirements of Alaska in these respects, and to the end that a more systematic plan may be adopted, if found necessary, for the development of its resources, the Secretary of War be, and he is hereby, authorized to cause an examination to be made of the need for further road improvement in Alaska, in connection with the military and post roads, bridges, and trails, now being constructed under War Department supervision, and to report thereupon, with recommendations, at the earliest practicable date.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28059. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and concurrent resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9405. An act to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana—to the Committee on Interstate and Foreign Commerce.

S. 8200. An act for the relief of C. M. Cox—to the Committee on Claims.

Senate concurrent resolution 96.

Resolved by the Senate (the House of Representatives concurring). That, for a better understanding of the requirements of Alaska in these respects, and to the end that a more systematic plan may be adopted, if found necessary, for the development of its resources, the Secretary of War be, and he is hereby, authorized to cause an examination to be made of the need for further road improvement in Alaska, in connection with the military and post roads, bridges, and trails, now being constructed under War Department supervision, and to report thereupon, with recommendations, at the earliest practicable date—to the Committee on the Territories.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 28193. An act to authorize the city of Shreveport to construct a bridge across Red River;

H. R. 16743. An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes;

H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910;

H. R. 23717. An act to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska;

H. R. 5728. An act for the relief of James H. De Coster;

H. R. 27061. An act to provide for the appointment of one additional district judge in and for the western district of Washington and one additional district judge in and for the district of Oregon;

H. R. 28046. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain

widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 265. Joint resolution to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8654. An act for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark.;

S. 5729. An act to correct the records and authorize the re-enlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof;

S. 8554. An act authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes; and

S. 9242. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910;

H. R. 16743. An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes;

H. R. 4286. An act for the relief of John Shull; and

H. R. 15681. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico.

PENSIONS.

The SPEAKER laid before the House the bill (H. R. 27469) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, with Senate amendments thereto.

Mr. SULLOWAY. I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House the bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain dependent relatives of such soldiers and sailors, with House amendments disagreed to by the Senate.

Mr. LOUDENSLAGER. I move that the House further insist on its amendments, and agree to the conference requested by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

The SPEAKER also laid before the House the bill (H. R. 28047) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors, with Senate amendments thereto.

Mr. LOUDENSLAGER. I move that the House concur in the Senate amendments.

The motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, with Senate amendments thereto.

Mr. HULL of Iowa. I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to, and the Speaker announced as conferees on the part of the House Mr. HULL of Iowa, Mr. CAPRON, and Mr. SULZER.

PUBLIC BUILDINGS.

The SPEAKER also laid before the House the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes, with Senate amendments thereto.

Mr. BARTHOLDT. I move to nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to, and the Speaker appointed as conferees on the part of the House Mr. BARTHOLDT, Mr. BURLEIGH, and Mr. BRANTLEY.

SENATE BILLS ON THE PRIVATE CALENDAR.

Mr. MANN. Mr. Speaker, this morning the House adopted an order making Senate bills on the Private Calendar in order today where objection was not made by two Members. I ask unanimous consent that that order extend over to-morrow, the calendar day of Tuesday.

Mr. SHACKLEFORD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Missouri objects. Does the gentleman from Illinois desire to call the calendar now?

Mr. SHACKLEFORD. Mr. Speaker, I withdraw the objection.

The SPEAKER. The gentleman from Missouri withdraws his objection. Is there objection?

There was no objection.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. BANNON, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of William Stokely (H. R. 27159), Sixtieth Congress, no adverse report having been made thereon.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was granted to Mr. DE ARMOND and to Mr. CLARK of Missouri to extend in the Record their remarks of this day.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PATTERSON, indefinitely, on account of illness.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 11 o'clock to-morrow morning.

The motion was agreed to.

Accordingly (at 5 o'clock and 54 minutes p. m.) the House took a recess until Tuesday, March 2, 1909, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of Commerce and Labor, transmitting a response to the inquiry of the House as to admission of aliens into the United States (H. Doc. 1494), was taken from the Speaker's table, referred to the Committee on Immigration and Naturalization, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 27371) to establish a fish-cultural station in the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 2290), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Delaware, from the Committee on Railways and Canals, to which was referred the bill of the House (H. R. 20775) to provide for the acquisition and improvement of the Chesapeake and Delaware Canal, reported the same with amendments, accompanied by a report (No. 2291), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Expenditures in the Post-Office Department, under authority granted by the House, submitted a report (No. 2294) upon its investigations of the expenditures in the Post-Office Department, which report was ordered printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OVERSTREET: A bill (H. R. 28406) to codify, revise, and amend the postal laws of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOOD: A bill (H. R. 28407) to create a commission to prepare a code of laws for the regulation and control of insurance companies doing business within the District of Columbia—to the Committee on the District of Columbia.

By Mr. MCGUIRE: A bill (H. R. 28408) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Pawnee tribe of Indians against the United States—to the Committee on Indian Affairs.

By Mr. LANGLEY: A bill (H. R. 28409) to provide for the erection of a monument on the Middle Creek battle ground, Floyd County, Ky., in memory of the late Gen. James A. Garfield—to the Committee on the Library.

Also, a bill (H. R. 28410) to provide for the erection of a monument over the grave of Willie C. Dills—to the Committee on the Library.

By Mr. COLE: A bill (H. R. 28411) to grant two cannons to Ohio Northern University, at Ada, Ohio—to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: Resolution (H. Res. 606) directing the Secretary of War to cause to be made an examination of the need of further road improvement in Alaska—to the Committee on the Territories.

By Mr. ELLIS of Oregon: Memorial of the legislature of Oregon, in favor of the United States acquiring title to deforested areas—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, asking for the removal of duty on burlap cloth used in the manufacture of grain, hop, and wool bags—to the Committee on Ways and Means.

Also, memorial of the legislature of Oregon, in favor of legislation against shipping intoxicating liquors into territory where its sale is prohibited by local option or prohibition laws—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Oregon, in favor of instruction in forestry in agricultural and mechanical colleges—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, in favor of liberal appropriations in behalf of conservation commission—to the Committee on Appropriations.

By Mr. ESCH: Memorial of the legislature of Wisconsin, asking the Congress of the United States to enact into law H. R. 39—to the Committee on Military Affairs.

By Mr. CARY: Memorial of the legislature of Wisconsin, asking the Congress of the United States to enact into law H. R. 39—to the Committee on Military Affairs.

By Mr. FRENCH: Memorial of the legislature of Idaho, asking federal aid in improvement of navigation at Albany Falls and Pend Oreille River—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNET of New York: A bill (H. R. 28412) granting a pension to Edward Wilson—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 28413) for relief of heirs or estate of Jacob Holbrook, sr., deceased—to the Committee on War Claims.

Also, a bill (H. R. 28414) for the relief of heirs or estate of Jessie R. Northington—to the Committee on War Claims.

Also, a bill (H. R. 28415) for relief of heirs or estate of Dr. R. O. Perrin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 28416) for the relief of heirs or estate of Jessie L. Taylor, deceased—to the Committee on War Claims.

By Mr. HULL of Tennessee: A bill (H. R. 28417) granting an increase of pension to John Reed—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 28418) for the relief of George H. Galloway, administrator of the estate of Logan M. Dishman, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 28419) granting an increase of pension to James A. Stamper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28420) granting an increase of pension to Thomas F. Clutts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28421) for the relief of Merida Risner—to the Committee on War Claims.

Also, a bill (H. R. 28422) to correct the military record of Clark Williams—to the Committee on Military Affairs.

By Mr. RAUCH: A bill (H. R. 28423) granting an increase of pension to John Vctor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28424) granting an increase of pension to Christopher U. Rump—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28425) granting a pension to Clarinda H. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28426) granting a pension to Annie Snyder—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of Harley & Whittaker, of Defiance, Ohio, favoring removal of duty on oilcloth and linoleum—to the Committee on Ways and Means.

By Mr. BELL of Georgia: Petition of E. W. Vance, favoring removal of the duty on hides—to the Committee on Ways and Means.

Also, petition of Jackson A. Watkins and others, favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. BENNET of New York: Paper to accompany bill for relief of Edward Wilson—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of citizens of Maine, favoring parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Delaware: Petition of the Yellow Pine Manufacturers' Association, of Minneapolis, against repeal of tariff on lumber—to the Committee on Ways and Means.

Also, petition of Federation of Jewish Organizations, for an office of Jewish chaplain in the army and navy—to the Committee on Naval Affairs.

By Mr. CANDLER: Paper to accompany bill for relief of R. I. McCalla, heir of J. M. McCalla—to the Committee on War Claims.

By Mr. CHAPMAN: Petition of the Cairo Commercial Club and the Board of Trade of Cairo, Ill., favoring appropriation of not less than \$50,000,000 per annum for internal waterway improvement—to the Committee on Rivers and Harbors.

By Mr. DALZELL: Petition of citizens of Swissvale, Pa., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of S. E. Day and other citizens of Iowa, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. DOUGLAS: Petition of Amesville (Ohio) Grange, No. 798, favoring a national highways commission—to the Committee on Agriculture.

By Mr. DUREY: Petition of residents of Fort Hunter, N. Y., for legislation against shipment of alcoholic beverages into prohibition territory—to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIS of Missouri: Paper to accompany bill for relief of estate of Joseph M. Wade (H. R. 19907)—to the Committee on War Claims.

By Mr. ELLIS of Oregon: Petition of P. Jensen and 204 other employees of the Clark & Wilson Lumber Company, of Linnton, Oreg., against removal of the duty on lumber—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Providence (R. I.) Public Library, against increase of duty on books—to the Committee on Ways and Means.

Also, petition of La Crosse (Wis.) Lodge, No. 300, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. FULLER: Petition of the National Shoe Wholesale Association, against a duty on hides—to the Committee on Ways and Means.

Also, petition of Manufacturers' Association of Indianapolis, favoring the ocean mail bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. B. Bodt & Co., of Chicago, Ill., favoring increase of duty on electric-light carbons—to the Committee on Ways and Means.

Also, petition of Local Union No. 169, International Brotherhood of Stationary Firemen, of Rockford, Ill., favoring H. R. 16880, to license firemen and water tenders in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of First National Bank of Ottawa, Ill., opposing parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. B. Fuller, in behalf of the Brotherhood of Locomotive Engineers, Firemen, and Trainmen, in opposition to the Watson bill (H. R. 26725), concerning safety appliances on locomotives—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Pittsburg, Pa., favoring an appropriation of not less than \$50,000,000 for inland waterway improvement—to the Committee on Rivers and Harbors.

Also, memorial of the legislature of the State of Wyoming, favoring the Mondell bill, providing for 320-acre homestead—to the Committee on the Public Lands.

Also, petition of the American Lumberman, of Chicago, Ill.; Frederick J. Wright, of St. Joseph, Mo.; the Vredenburg Saw Mill Company, of Pine Hill, Ala.; and the Yellow Pine Manufacturers' Association, of St. Louis, Mo., against removal of the duty on lumber—to the Committee on Ways and Means.

Also, petition of Engineers' Society of Western Pennsylvania, favoring an appropriation to establish a bureau of mines—to the Committee on Mines and Mining.

Also, petition of the Louisiana Purchase Exposition department of press and publicity, favoring proposition before the Committee on Appropriations for a monument to Thomas Jefferson—to the Committee on Appropriations.

Also, petition of the National Lime Manufacturers' Association, for an appropriation to enable the Geological Survey to investigate lime manufacture—to the Committee on Appropriations.

Also, petitions of La Salle Lodge, No. 584, and Ottawa Lodge, No. 588, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. FULTON: Papers to accompany bills for relief of Priscilla McCarty (H. R. 27097), William Hardenbrook (H. R. 25621), Henry H. Brunsteter (H. R. 24383), and William E. Woodward (H. R. 19908)—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 20516—to the Committee on Public Buildings and Grounds.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Miss J. A. Elliott, heir of Thomas A. Elliott and Adaline Elliott—to the Committee on War Claims.

By Mr. GARDNER of New Jersey: Petitions of citizens of Risley, N. J.; Medford Grange, No. 36; and Vineland Grange, No. 11, favoring a national highways commission and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of the Vineland (N. J.) Grape Juice Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petitions of Atlantic City (N. J.) Lodge, No. 276; Bridge-ton (N. J.) Lodge, No. 733; Millville (N. J.) Lodge, No. 580; Burlington (N. J.) Lodge, No. 996; and Mount Holly (N. J.) Lodge, No. 848, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. GILHAMS: Petition of citizens of Tremont, Ind., favoring legislation to give \$1 per day pension to all Union soldiers of the civil war and Mexican war—to the Committee on Invalid Pensions.

By Mr. GRONNA: Petition of citizens of Kenmare, N. Dak., against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of citizens of Cass County, N. Dak., against reduction of the import duties on grains—to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of Charles E. Weld and 60 others, of Hadley, Minn., against removal of tax on oleomargarine—to the Committee on Agriculture.

Also, petition of L. T. Tillmone and 6 others, of Iona Lake, Minn., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL of Connecticut: Petition of citizens of Danbury, for appropriation to suppress tuberculosis (S. 5117 and H. R. 18445)—to the Committee on Appropriations.

Also, petition of the men's class of the United Church of New Haven, Conn., favoring H. R. 24148, to provide for a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. HOBSON: Paper to accompany bill for relief of Mrs. F. E. Holbrook—to the Committee on War Claims.

By Mr. HUFF: Petition of Latrobe (Pa.) Lodge, No. 907, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. ADDISON D. JAMES: Papers to accompany bills for relief of George H. Galloway, administrator of the estate of Logan M. Dishman; A. C. Johnson, heir of A. W. Slemmons; and James Lucas, heir of F. F. Lucas—to the Committee on War Claims.

By Mr. JONES of Washington: Petition on behalf of laborers of the "Inland Empire," State of Washington, protesting against removal of the duty on lumber—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of the New York Lime Company, of Natural Bridge, N. Y., for legislation providing for an investigation by the United States Geological Survey on the subject of lime—to the Committee on Agriculture.

By Mr. LANGLEY: Papers to accompany bills for relief of Harrison Swango, William H. Nolcini, and B. G. Swango, administrator of the estate of Stephen Swango—to the Committee on War Claims.

By Mr. LINDSAY: Petition of the National Child Labor Commission, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of the United Confederate Veterans, favoring amendment of the Hepburn law so as to give free transportation to the Grand Army of the Republic and the United Confederate Veterans—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchant Marine League, favoring the ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Pocahontas Memorial Association, of New York City, protesting against S. 4453, for monument to Pocahontas at Jamestown—to the Committee on the Library.

Also, petition of the National Business League of America, against the creation of a national consular school—to the Committee on Foreign Affairs.

Also, petition of the Consumers' League of the State of New York, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of the Providence (R. I.) Public Library, against an increase of duty on books—to the Committee on Ways and Means.

By Mr. LONGWORTH: Petition of Montgomery Council, No. 62, Junior Order United American Mechanics, of Montgomery, Hamilton County, Ohio, favoring an Asiatic exclusion law—to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of merchants of Standish, Mich., against establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. McHENRY: Petition of Mount Carmel (Pa.) Lodge, No. 356, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

Also, petition of citizens of Lopez, Pa., favoring enactment of the Davis bill (H. R. 24841) for promotion of industrial education—to the Committee on Agriculture.

Also, petition of voters of Millville, Pa., against increasing the navy—to the Committee on Naval Affairs.

By Mr. MARSHALL: Petition of many citizens of North Dakota, against parcels-post and postal savings bank legislation (S. 5122 and S. 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of the First Methodist Episcopal Church of Redlands, Cal., favoring the Tirrell bill (H. R. 12405), prohibiting sale of intoxicants in all ships and buildings of the United States Government—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Sacramento Valley Development Association, favoring increase of duty on hops from 12 cents to 24 cents per pound—to the Committee on Ways and Means.

Also, petition of the Sacramento Valley Development Association, favoring plan to issue \$500,000,000 in bonds for improvement of rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. NICHOLLS: Petition of Connolly & Wallace, of Scranton, Pa., against an increase of the duty on kid gloves—to the Committee on Ways and Means.

By Mr. PRAY: Petition of citizens of Glasgow, Mont., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Whitehall, Mont., against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. PRINCE: Petition of Long Brothers and others, of Kewanee, Ill., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. ROBINSON: Petition of C. A. Kline and others, for appropriation of \$102,500 for improvement of the port of Velasco, Tex.—to the Committee on Rivers and Harbors.

By Mr. RYAN: Petition of the board of directors of the National Business League of America, against establishment of a national consular school—to the Committee on Foreign Affairs.

Also, petition of the Consumers' League of New York, favoring a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. SABATH: Petition of the Providence Public Library, against a duty on books—to the Committee on Ways and Means.

Also, petition of Chicago (Ill.) Lodge, No. 4, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. SMITH of Iowa: Petition of residents of Audubon County, Iowa, against the passage of S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. SULZER: Petition of the National Business League of America, against a national consular school—to the Committee on Foreign Affairs.

Also, petition of the United Confederate Veterans of New Orleans, La., for amendment to the Hepburn rate bill, giving free transportation to members of Grand Army of the Republic posts and United Confederate Veterans camps—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Providence (R. I.) Public Library, against a duty on books—to the Committee on Ways and Means.

Also, petition of the Consumers' League of New York City, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of the George Washington University, favoring H. R. 28176, amending the Morrill or land-grant acts so as to admit the District of Columbia to the benefits thereof—to the Committee on Agriculture.

By Mr. THOMAS of Ohio: Petition of C. F. Cram and others, favoring a national highways commission and federal aid in construction of public highways—to the Committee on Agriculture.

By Mr. TOU VELLE: Petition of the Henry St. Clair Company, of Greenville, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of G. W. Hirst Council, No. 132, Junior Order United American Mechanics, favoring an exclusion law against Asiatics, save merchants, students, and travelers—to the Committee on Foreign Affairs.

SENATE.

TUESDAY, March 2, 1909.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SALARIES OF DISTRICT JUDGES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting an estimate of appropriation for the salaries of additional district judges for the western district of Pennsylvania, the western district of Washington, and the district of Oregon (S. Doc. No. 750), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

THE POSTAL SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of deficiency in appropriations for postal services payable from the postal revenues, as allowed and submitted by the Auditor for the Post-Office Department, \$123,189.20 (S. Doc. No. 749), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

C. F. SUGG.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of appropriations to enable the Secretary of the Treasury to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., \$79.95 for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander*, etc. (S. Doc. No. 751), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INDIAN DEPREDAATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th ultimo, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases not heretofore reported (S. Doc. No. 747), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 1st instant, a list of judgments rendered by the Court of Claims, amounting to \$56,866, which have not been heretofore presented to Congress (S. Doc. No. 745), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.